

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 – AN OVERVIEW

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This article was written by Sakshi and further updated by Ananya Chaudhary. The article comprehensively deals with the Protection of Children from Sexual Offences Act, 2012. In addition to dealing with the provisions of the Act, the article also analyses how the courts have interpreted the same. The POCSO (Amendment) Act, 2019 and the POCSO Rules, 2020 have also been discussed.

Historical Background

In 2012, the Legislature passed the Protection of Children from Sexual Offences (POCSO) Act to address child sexual abuse. Before this Act, certain provisions of the Indian Penal Code offered limited protection but contained significant loopholes, including the failure to recognise male victims and the absence of a statutory definition of child sexual abuse in sections 375, 354, and 377. The Goa Children's Act, 2003 was an earlier attempt at legislation at the state level. India ranked among the countries with the highest incidence of sexual offences against children, and surveys revealed that abuse frequently occurred within the child's immediate environment, perpetrated by known persons such as family members or persons in positions of trust. This Act protects children below the age of 18 years from sexual offences and provides a framework for investigation, trial, and adjudication of such cases.

The severity of the problem was brought into sharp focus by the 'Study on Child Abuse: India 2007' conducted by the Ministry of Women and Child Development, which surveyed over 12,447 children across 13 states. The study found that more than 53 per cent of children surveyed had experienced one or more forms of sexual abuse, and that as few as three per cent of such offences were ever reported to the relevant authorities.¹

¹ Ministry of Women and Child Development, Government of India, 'Study on Child Abuse: India 2007' (Government of India 2007). The study was conducted across 13 states and covered more than 12,447 children across different age groups.

The Act divides sexual offences into four broad categories: sexual assault, aggravated sexual assault, penetrative sexual assault, and sexual harassment. The Act also prescribes punishments for each category of offence. With the passing of this legislation, the Legislature created a specific and comprehensive framework to deal with sexual offences against children.

Overview

Almost one fourth of India's population is in the age group of 0–14 years and our country has one of the world's largest populations of children, estimated at 444 million. The Constitution of India under Directive Principles of State Policy vide Article 39(f) mandated states to formulate policies to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation and against moral and material abandonment. Our Constitution also provides protection for children from being abused or forced by economic necessity to enter occupations unsuited to their age or strength. Despite the safeguards provided by the Constitution, children remain a vulnerable population and are victims of several crimes. Crimes against children, especially crimes of a sexual nature, have an adverse impact on the victim child and leave them with lifelong trauma.

The most recent National Crime Records Bureau data reveals that 67,809 cases were registered under the POCSO Act in 2024 alone, representing a steep rise from 53,874 cases recorded in 2021 and underscoring the persistent scale of the problem. Significantly, in 96.6 per cent of cases recorded in 2024, the offender was known to the child victim, confirming that most abuse occurs within the child's own social environment rather than at the hands of strangers.²³

Procedure of Court Proceedings Under the POCSO Act

In simple terms, a POCSO court is designed to feel less like a frightening courtroom and more like a safe space, especially for young children.

The following are some of the key features of how these proceedings work in practice:

1. **Child-Friendly Environment:** Police officers are not allowed to wear uniforms when interacting with the child. Many courts have child-friendly rooms with toys, storybooks, and colourful interiors so that the child is at ease during the proceedings.
2. **Protection from the Accused:** The child is not required to confront the accused. The court uses curtains, one-way mirrors, or video screens to ensure that the child can give their account without fear.

² FACTLY, 'POCSO Cases in India: Adolescents and Known Offenders Dominate the Data' (FACTLY, 10 July 2026) <<https://factly.in/pocso-cases-in-india-adolescents-and-known-offenders-dominate-the-data/>> accessed 20 August 2026.

³ Shrabanti Maity and Pronobesh Ranjan Chakraborty, 'Implications of the POCSO Act and Determinants of Child Sexual Abuse in India: Insights at the State Level' (2023) 10 Humanities and Social Sciences Communications 1.

3. **Simplified Communication:** Lawyers may not use intimidating or complex legal language when questioning the child. Questions are often passed through the judge, who puts them to the child in a gentle and age-appropriate manner. Child psychologists and trained experts may facilitate communication where necessary.

4. **Sensitivity to the Child's Needs:** The court allows for breaks as needed. Parents or trusted adults are usually permitted to remain beside the child throughout. The law creates a presumption in favour of the child's account, placing the burden of rebutting that presumption on the accused.

The POCSO Rules, 2020 further reinforce these child-friendly mechanisms by requiring that a support person be assigned to every child victim to assist the child and family throughout the investigation and trial. The Rules also mandate periodic training for all officials involved in the implementation of the Act, including police officers, prosecutors, and judicial officers, to ensure that they possess the specialised knowledge required to handle cases of child sexual abuse with sensitivity.⁴

Legal Development Under the POCSO Act

Legal developments surrounding the Protection of Children from Sexual Offences (POCSO) Act, 2012 have seen significant judicial and legislative activity moving into 2026. The primary focus has shifted toward balancing child protection with the realities of adolescent autonomy and modern digital threats.

1. Landmark Judicial Proposals: The "Romeo-Juliet" Clause

In early 2026, the Supreme Court of India (notably in *State of Uttar Pradesh v. Anurudh*) highlighted a critical gap in the law regarding consensual teenage relationships. The court observed that the POCSO Act is frequently misused by parents to criminalise consensual adolescent relationships, particularly in cases of inter-caste or inter-faith couples. The Bench urged the Union Government to consider a "Romeo-Juliet clause" which would provide narrow legal exemptions for consensual, close-in-age relationships between minors, typically those between 16 and 18 years of age, to prevent them from being treated as predatory sexual offences. Courts are increasingly quashing proceedings where both the "victim" and the "accused" are adolescents in a consensual relationship, citing that the mechanical invocation of the Act in such cases causes more harm than protection.

2. Digital Safeguards and Deepfakes

In February 2026, the central government strengthened the IT Rules, 2021 to work in tandem with the POCSO Act. The definitions of child pornography now explicitly include synthetically

⁴ Ministry of Women and Child Development, Government of India, 'Protection of Children from Sexual Offences Rules, 2020' (Gazette of India, 9 March 2020). Rule 4 mandates the Child Welfare Committee to assign a support person to assist the child and family throughout the investigation and trial.

generated images (deepfakes), animated depictions indistinguishable from actual children, and AI-modified content. Digital platforms are now required to remove Non-Consensual Intimate Imagery (NCII) or Child Sexual Abuse Material (CSAM) within two hours of receiving a complaint.

3. Infrastructure: The Rise of e-POCSO Courts

As of late 2025, the Department of Justice reported significant progress in the Fast Track Special Courts (FTSCs) scheme. Functional FTSCs now operate across 30 States and Union Territories, including exclusive e-POCSO courts. These specialised courts are designed to provide child-friendly environments and to expedite trials.

Despite the expansion of FTSCs, significant concerns persist over their effectiveness. The national conviction rate for POCSO cases disposed of by FTSCs stood at only 19 per cent in 2024, while separately the conviction rate in all district courts handling POCSO cases had declined from 35 per cent in 2019 to 29 per cent in 2023. Challenges such as repeated adjournments, judicial vacancies, limited infrastructure, and under-resourced public prosecutors contribute substantially to these low rates. As of January 2023, over 2.43 lakh cases under the POCSO Act were pending trial in fast-track special courts across India.⁵⁶

4. Key Interpretations

Sexual Intent versus Physical Contact: The Supreme Court reaffirmed that "sexual intent" is the core ingredient of an offence under the POCSO Act. The "skin-to-skin" requirement previously suggested by certain High Courts has been definitively rejected; any act done with sexual intent involving physical contact, even through clothing, constitutes an offence. **Mandatory Reporting:** Courts continue to strictly enforce Section 19, making it mandatory for institutions and individuals to report suspected abuse, with legal penalties for those who fail to do so.

Landmark Judgements Under the POCSO Act, 2012

Some of the most significant judicial decisions under the POCSO Act, 2012 are discussed below.

Attorney General for India v. Satish and Another (2021)

The Bombay High Court Nagpur Bench had ruled in the case of Satish Ragde v. State of Maharashtra (2021 SCC OnLine Bom 72) that grabbing a child's breasts without making "skin-to-skin contact" did not constitute sexual assault under Section 7 of the POCSO Act, 2012. The ruling was delivered by a single bench led by Justice Pushpa Ganediwala. The Attorney General of India, the National Commission for Women, and the State of Maharashtra filed appeals

⁵ The Print, 'Golden Lining to Dark Cloud: In 2025, Disposal Rate of POCSO Cases Was Over 100% in 24 States' (The Print, 31 December 2025) <<https://theprint.in/judiciary/khadija-pocso-cases-cleared-pn-golden-lining-to-dark-cloud-in-2025-disposal-rate-of-pocso-cases-was-over-100-in-24-states/2815151/>> accessed 20 August 2026.

⁶ IndiaSpend, 'High Trial Pendency in Fast Track Special Courts Set Up for Child Sexual Abuse Cases' (IndiaSpend, 25 February 2025) <<https://www.indiaspend.com/police-judicial-reforms/high-trial-pendency-in-fast-track-special-courts-set-up-for-child-sexual-abuse-cases-943395>> accessed 20 August 2026.

against this controversial decision, which were heard by a bench consisting of Justices Uday Umesh Lalit, S. Ravindra Bhat, and Bela M. Trivedi, in the case of Attorney General for India v. Satish and Another (2021 INSC 762).

The issue at hand was how Section 7 of the POCSO Act, 2012 should be interpreted so as to provide a fair and reasonable solution to cases falling under its ambit. The Supreme Court observed that Section 7 covers both direct and indirect touch. Invoking the "mischief rule" of statutory interpretation, the Apex Court held that courts must interpret legislation to prevent the mischief the Act sought to remedy and to promote its underlying purpose. The Supreme Court held that the High Court's interpretation not only restricted the implementation of the legislation but also sought to undermine its objective. The Court categorically held that the most important ingredient for constituting the offence of sexual assault under Section 7 is "sexual intent" and not "skin-to-skin" contact.

Hari Dev Acharya @ Pranavanand and Ors v. State (2021)

The Delhi High Court in Hari Dev Acharya @ Pranavanand and Ors v. State (2021:DHC:3576; MANU/DE/3029/2021) held that since the POCSO Act, 2012 is silent on whether two separate incidents can be combined in a single First Information Report, the provisions of the Code of Criminal Procedure, 1973 would apply, allowing a joint trial where the offences were committed during the same transaction. A single-judge bench of Justice Manoj Kumar Ohri made this observation while dismissing petitions challenging the summons issued by a Special POCSO Court and the additional charge sheets.

The summons and charge sheets were issued in August 2019 in connection with an incident in which a student at a Gurukul in Delhi was reportedly sexually assaulted by a superior. According to Justice Ohri, Section 219 of the CrPC permits a person who commits three similar offences within a twelve-month period to be prosecuted simultaneously, and since both offences were punishable under the same provisions of the IPC and POCSO, they constituted the same transaction. The summoning orders were accordingly upheld and the petitions were dismissed.

Atul Mishra v. State of U.P. (2022)

In a case involving an elopement in which a child was born out of wedlock, the Allahabad High Court noted that "the applicability of statutory provisions is not a mathematical exposition. If the mathematical application of these statutes leads to disastrous effects, the onus falls upon the courts to mellow down the rigours of the provision to achieve a more meaningful and swallowable application of the statute." The Court further observed that where two teenagers had consensually entered into a relationship resulting in the birth of a child, the rigours of the POCSO Act would not appropriately apply, as the girl had not been sexually abused, assaulted, or harassed in the manner contemplated by the Act.

Anoop v. State of Kerala (2022)

The Kerala High Court in *Anoop v. State of Kerala* (2022) observed that the statute does not distinguish between the conventional understanding of rape and sexual interactions arising out of affection and biological development between adolescents. The Court noted that the statute does not contemplate the biological curiosity of adolescence and treats all intrusions on bodily autonomy, whether consensual or otherwise, as rape in the case of victims falling below certain age groups.

Justin Renjith v. Union of India (2020)

The Kerala High Court in *Justin Renjith v. Union of India* upheld the constitutional validity of Sections 29 and 30 of the POCSO Act, 2012, which establish a reverse burden of proof on the accused in cases of child sexual abuse. A single-judge bench of Justice Sunil Thomas rejected the argument that these provisions violated the fundamental rights guaranteed under Articles 14, 20(3), and 21 of the Constitution. The Court observed that statutes placing a limited burden of proof on the accused to establish facts that are specifically within their own knowledge are not uncommon in Indian criminal law. Once the prosecution establishes foundational facts, including proof that the victim is a child, that the alleged incident took place, and that the accused committed the offence, the burden shifts to the accused to rebut the statutory presumption under Section 29. It is thus the accused, and not the victim, who bears the burden of rebuttal once such foundational facts are established.⁷

Swami Avimukteshwaranand Saraswati v. State of UP (2026)

In *Swami Avimukteshwaranand Saraswati v. State of UP* (2026), the Allahabad High Court ruled that the statutory presumption of guilt under Section 29 of the POCSO Act cannot be invoked at the anticipatory bail stage. The presumption applies only once the trial begins and the prosecution has established a foundational case.

Rakesh v. State of Maharashtra (2026)

In *Rakesh v. State of Maharashtra* (2026), a conviction was set aside because the prosecution failed to produce the school's original birth register as proof of the victim's age. Courts have reiterated that under the relevant provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, school records or birth certificates are the primary proof of age, and that strict procedural compliance is necessary for conviction in POCSO cases.

Some Other Important Features of the POCSO Act

Confidentiality of the Victim's Identity

Section 23 of the POCSO Act restricts media reporting and imposes a duty to maintain the child victim's identity confidential unless the Special Court allows disclosure. Section 23(2) states that

⁷ LiveLaw, 'POCSO Act: Kerala High Court Upholds Constitutionality of Reverse Burden of Proof under Sections 29 & 30' (LiveLaw, 12 November 2020) <<https://www.livelaw.in/news-updates/pocso-act-kerala-high-court-upholds-constitutionality-of-reverse-burden-of-proof-under-sections-29-30-165809>> accessed 20 August 2026.

no report in any media shall disclose the identity of a child, including the child's name, address, photograph, family details, school, neighbourhood, or any other particulars which may lead to the disclosure of the child's identity. In *Bijoy @ Guddu Das v. The State of West Bengal*, the Calcutta High Court reiterated this provision and held that any person, including a police officer, shall be prosecuted for committing such a breach.

Gender-Neutral Provisions

A significant feature of the POCSO Act is that it does not create any distinction between victims or perpetrators based on gender. This addresses one of the most notable shortcomings of the Indian Penal Code's sexual offence provisions, which were framed in gendered terms. The definition of "child" under the Act includes any person below 18 years of age regardless of gender, and courts have in several cases convicted women for engaging in child sexual abuse.

Mandatory Reporting of Child Abuse Cases

Sexual abuse cases often occur behind closed doors, and adults may attempt to conceal these incidents due to social stigma. Consequently, Section 19 of the POCSO Act makes reporting of suspected or known offences mandatory for any person who has knowledge or apprehension that a sexual offence has been or is likely to be committed against a child. This obligation reflects the assumption that children are inherently vulnerable and that society bears a collective duty to act in their best interests.

Failure to report an offence under Section 19 is itself a criminal offence under Section 21 of the POCSO Act, punishable with imprisonment of up to six months, a fine, or both. This obligation extends to schools, hospitals, child care institutions, and any individual with knowledge or reasonable apprehension of an offence, making the mandatory reporting framework one of the most far-reaching child protection obligations in Indian law.⁸

Skin-to-Skin Contact: The Supreme Court's Ruling

The Supreme Court in *Attorney General of India v. Satish and Others* set aside the judgment passed by the Bombay High Court which had held that skin-to-skin contact is necessary to constitute an offence under Section 8 of the POCSO Act. The Supreme Court held that the most important ingredient for constituting the offence of sexual assault under Section 7 of the Act is "sexual intent" and not "skin-to-skin" contact with the child, and that any narrow interpretation of the provision which defeats the object of the Act will not be accepted.

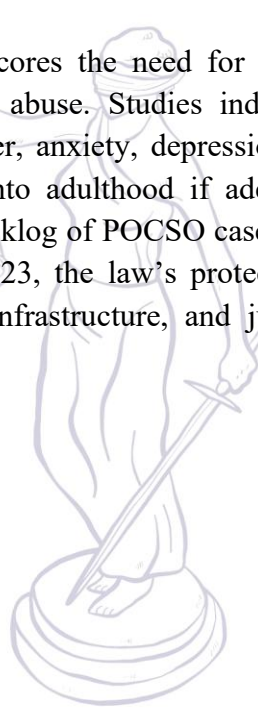
Conclusion

India had no legislation until 2012 to address sexual offences committed against both male and female children. The POCSO Act, being a gender-neutral legislation, aims to provide safety to

⁸ Protection of Children from Sexual Offences Act 2012, s 21. Failure to report an offence under s 19 is punishable with imprisonment of up to six months, a fine, or both; however, this provision does not apply to children themselves who are below 16 years of age.

children and addresses all aspects of child sexual abuse. The Act was amended in 2019, making the punishments under the Act more stringent, including by introducing the death penalty as an option for aggravated penetrative sexual assault. Sensitisation of the public regarding child sexual abuse and the POCSO Act is essential in view of the low rate of reporting of crimes under the Act. Child sexual abuse is a multidimensional problem with medical, social, psychological, and legal implications. Cases of child sexual abuse seldom present with definite symptoms of genital trauma. As a result, evaluating a victim of child sexual abuse requires specialised knowledge and methods in history collection, forensic examination, and medical assessment. The involvement of a mental health expert is necessary during the investigation and trial stages to mitigate and address the adverse effects of child sexual abuse on the mental health of victim children.

Research in the Indian context underscores the need for a trauma-informed approach in all institutional responses to child sexual abuse. Studies indicate that child victims frequently experience post-traumatic stress disorder, anxiety, depression, and social withdrawal, and that these consequences can persist well into adulthood if adequate psychosocial support is not provided at the earliest stage. As the backlog of POCSO cases continues to grow, with over 2.43 lakh cases pending trial as of early 2023, the law's protective intent can only be realised if institutional capacity, victim support infrastructure, and judicial awareness are substantially strengthened across all States.⁹¹⁰



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⁹ Prathibha Augustus and Smita Pandey, 'Trauma-Informed Care and Its Significance in Responding to Child Sexual Abuse in India' (2023) 48 Psychological Studies 1.

¹⁰ India Child Protection Fund, 'Justice Awaits: An Analysis of the Efficacy of Justice Delivery Mechanisms in Cases of Child Sexual Abuse in India' (ICPF, December 2023).