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REVIEWER'S REPORT

Manuscript No.: IJAR-57072

Title: THE POCSO ACT (2012): A CRITICAL ASSESSMENT AFTER A DECADE OF ITS ENACTMENT & ENFORCEMENT

Recommendation:

Accept after minor revision

Rating	Excel.	Good	Fair	Poor
Originality		✓,		
Techn. Quality		✓,		
Clarity	✓,			
Significance	✓,			

Reviewer Name: Abdul Haseeb Mir

Detailed Reviewer's Report

The article titled "The POCSO Act (2012): A Critical Assessment After a Decade of Its Enactment & Enforcement" provides a rigorous and timely evaluation of one of India's most significant legislative interventions in child protection. By adopting a doctrinal-empirical qualitative meta-synthesis, the author moves beyond a mere statutory review to examine the lived reality of the Act's implementation between 2022 and 2026. The study's focus on the "Implementation Exhaustion" stage and the standardizing of indicators between Uttar Pradesh and Uttarakhand offers a localized yet representative glimpse into the systemic failures that plague the Indian criminal justice system. The central thesis—that there exists a profound "Procedural Myth" where legislative intent is stifled by administrative and judicial delays—is supported by startling quantitative metrics that challenge the "punitive populism" often associated with child protection laws.

The primary strength of this manuscript is its empirical grounding, particularly the introduction of the Procedural Efficiency Ratio (PER) and the Safeguard Implementation Score (SIS). By quantifying the gap between the legal mandate and trial reality, the author provides a devastating critique of the current state of affairs. The finding that trials in urban regions exceed the legal mandate of 365 days by over 2.3 times, and that the PER remains as low as 14.2% in Uttar Pradesh, highlights a "Geography of Justice" imbalance that is often discussed but rarely measured with such precision. This data-driven approach elevates the paper from a legal commentary to a high-level socio-legal study that demands the attention of policymakers and jurists alike.

REVIEWER'S REPORT

Furthermore, the article courageously addresses the "Elephant in the room" of POCSO litigation: the criminalization of adolescent consensual relationships. The statistic that 26.4% of cases involve such relationships is a vital contribution to the ongoing debate regarding the age of consent in India. The author effectively argues that the lack of "Judicial Calibration" in these cases not only leads to "Secondary Victimization" but also clogs the special courts, diverting resources from the "heinous" offenses the Act was primarily designed to address. This nuanced distinction between "punitive populism" and "protection-centric justice" is the most philosophically significant aspect of the work.

However, from a peer-review perspective, there are areas where the narrative analysis could be deepened to provide a more comprehensive review. While the "Calibration Matrix" is a robust tool, the manuscript would benefit from a more detailed narrative on the *qualitative* reasons behind the plummeting Safeguard Implementation Scores in rural areas. While the quantitative decline is noted, a more detailed analysis of the "Frontline Exhaustion"—specifically the roles of the Special Juvenile Police Units (SJPU) and the Child Welfare Committees (CWC)—would provide a more holistic understanding of why the system is failing at the entry point. The paper identifies the "Procedural Myth," but a deeper inquiry into the training and sensitization of these frontline responders would add a necessary layer of complexity to the study.

Another scholarly concern involves the conceptual framing of "Implementation Exhaustion." The author describes the current stage of the Act as one of fatigue, but it would be beneficial to explore whether this is an inherent flaw in the legislative design or a result of chronic underfunding and vacancies in the judiciary. The "Implementation Outcomes Framework" used by the author is an excellent choice, but it should be more explicitly linked to the broader challenges of "Green Federalism" or decentralized governance mentioned in contemporary Indian legal scholarship. This would place the POCSO assessment within the larger narrative of India's struggling quasi-federal administrative structures.

The discussion on "Secondary Victimization" during cross-examination is particularly poignant. The author notes that "victim-friendly" procedures are often ignored in practice, yet the paper could be improved by proposing a more specific narrative on how digital technology or "virtual evidence recording" has (or has not) mitigated this trauma in the case-states. Given the timeframe of 2022-2026, the study has a unique opportunity to evaluate the impact of the "Digital India" initiative on the delivery of child justice. Addressing the digital divide in the "Geography of Justice" would make the findings even more relevant for current judicial reforms.

The language of the article is academic and precise, successfully avoiding the emotional hyperbole that often accompanies discussions on child abuse. However, the "Result and Discussion" section occasionally becomes overly dense with ratios and scores at the expense of a cohesive narrative. To

REVIEWER'S REPORT

improve the flow, the author should ensure that every quantitative finding is immediately followed by a qualitative interpretation that links back to the central theme of "Implementation Exhaustion." For instance, the low PER should be narrated as a symptom of the "systemic friction" between the police and the special courts, rather than just an isolated statistical value.

In conclusion, the manuscript is a significant achievement in the field of Indian child law. It provides a rare empirical audit of a decade of enforcement, exposing the structural cracks in what was once considered a "watershed" law. The study's findings on trial duration and adolescent consensual cases are particularly urgent. With minor revisions focused on expanding the qualitative narrative of frontline failures and integrating the role of technology in justice delivery, this paper is highly suitable for publication in a premier legal or social science journal.

Recommendations:

- Provide a more detailed qualitative analysis of the factors contributing to the low Safeguard Implementation Scores (SIS) in rural areas, specifically examining the resource constraints of Child Welfare Committees.
- Incorporate a brief discussion on the impact of judicial vacancies and the lack of dedicated infrastructure (such as vulnerable witness rooms) in the two case-states to contextualize the trial delays.
- Elaborate on the "Judicial Calibration" required for adolescent consensual cases, perhaps suggesting a middle-path or a "rebuttable presumption" to avoid the misuse of the Act.
- Update the bibliography to include recent Law Commission of India reports on the age of consent and the most recent National Crime Records Bureau (NCRB) data to provide a comparative baseline.
- Clarify the "Calibration Matrix" indicators in the methodology section to ensure reproducibility for researchers looking to apply the framework to other states.
- Refine the narrative to explicitly link the "Procedural Myth" to the lack of continuous legal and psychological support for the victims throughout the trial process.

Recommendation: Recommend for publication with minor revision.