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

Abstract

Background: After ten years of implementation, the Protection of Children from Sexual Offenses (POCSO) Act, 2012, which was once heralded as a "watershed moment" for Indian child law, is now in the "Implementation Exhaustion" stage. The disparity between "punitive populism" and trial reality is the main subject of this study, which assesses the systemic progression of the Act.

Method: Between 2022 and 2026, a doctrinal–empirical qualitative meta-synthesis of Indian scholarship was carried out. The study, which is based on the Implementation Outcomes Framework, uses a Calibration Matrix to standardize indicators between Uttar Pradesh and Uttarakhand, the focal case-states.

Results: The recorded Procedural Efficiency Ratio (PER) was merely 14.2% in UP and 21.8% in the UK, signifying a notable "Procedural Myth." In urban regions, the mean duration of trials was 842 days, exceeding the legal mandate of 365 days by over 2.3 times. Safeguard Implementation Scores (SIS) have plummeted to as low as 3.2/10 in rural areas, indicating a persistent "Geography of Justice" imbalance. Furthermore, adolescent consensual relationships constitute 26.4% of the caseload, indicating that teenagers possess a 3.4-fold greater likelihood of acquittal compared to younger children. Regression models indicate a 64% correlation ($R^2 = .64$) between witness hostility and trial delay.

Conclusion: In order to restore adjudication integrity, the report recommends moving from "Punitive Populism" to "Implementation Integrity". Two proposed improvements include a decentralized forensic infrastructure to overcome systemic inertia and long-term DNA report delays, and a "Tiered Consent Model" to standardize teenage agency.

Keywords: India, Implementation Exhaustion, Adolescent Consent, Judicial Delay, POCSO Act, and Implementation Science.

Introduction:-

For Indian jurisprudence, the Protection of Children from Sexual Offences (POCSO) Act's passage in 2012 was hailed as a turning point (Sinha, 2023). For many years, the Indian Penal Code's antiquated, adult-centric silos were used by the judicial system to cram child sexual abuse, frequently ignoring the minor's unique vulnerability. That was altered by POCSO. It created a unique procedural environment intended to reduce re-traumatization, prioritized the "best interests of the child," and offered a gender-neutral framework (Sinha, 2023). Ten years into its implementation, we should ideally be witnessing a streamlined "reporting-to-conviction" pipeline with quick, kid-friendly proceedings and high deterrence rates. However, the actual situation—which is reflected in the growing backlog of cases and a conviction rate that is unable to surpass the 35% threshold—indicates that systemic inertia is stifling the legislative intent (2024).

This research fills a crucial "Implementation-Gap." The institutional machinery is still ill-prepared to handle the volume, even though the law has successfully sparked a massive surge in reporting—a sign that the silence surrounding child abuse is breaking (Maity & Chakraborty, 2023) ("Exploring Mutated Depictions of Rapes and Justice Distrust in Contemporary Indian Cinema," 2024). A progressive, rights-based statute operating inside an overworked, punitive court culture is what we are experiencing. Prior researchers have mostly concentrated on the Act's doctrinal features or the immediate effects of the 2019 changes. Although these studies have played a significant role in drawing attention to the trend toward more severe penalties, such as the death penalty, they frequently ignore the "how" and "why" of the trial-level errors. As we've shown, increasing a sentence's harshness has minimal effect if its likelihood is still statistically unlikely.

A secondary victimization that is, in many respects, just as harmful as the abuse itself is the direct result of this gap. Child victims frequently lose their resolve, families experience intimidation, and the "hostile witness" problem becomes the norm rather than the exception when a trial stretches on for four years—much longer than the one-year mandate. This

indirectly causes what are known as "Romeo-Juliet" cases to "clog" the Special Courts. The Act unintentionally treats teenagers as criminals by failing to distinguish between adolescent consensual relationships and predatory violence, taking valuable court resources away from the same predators it was intended to target (2022).

A thorough, long-term evaluation of how its "one-size-fits-all" approach to age and required reporting has actually affected the conviction-to-acquittal ratio is a crucial gap in current research. Building on the seminal work on juvenile justice by (Bajpai, 2023), this paper examines judicial tendencies from 2022 to 2025 that point to a "judicial rebellion" against the strictness of the Act. This study assesses the POCSO Act as a living tool that interacts with police behavior, forensic delays, and societal biases, guided by a Socio-Legal framework.

The main goals of this study are to critically assess the socio-legal consequences of the 18-year consent age and to examine the effectiveness of Special Courts in fulfilling statutory deadlines. This study is important because, in the absence of a change in direction, the POCSO Act runs the risk of becoming ineffectual—feared by the innocent and navigated by the guilty.

This study initially creates the legislative territory by following the Act's development from 2012 to the present in order to generate a research space for this investigation. The discrepancy between the "punitive populism" of recent amendments and the reality of trial pendency is then used to identify the niche. In order to ensure that the second decade of POCSO is defined by the certainty of justice rather than the severity of the code, it finally fills this gap by proposing a "Tiered Consent Model" and procedural improvements.

Literature Review: A Decadal Critical Assessment Of The POCSO Act, 2012:-

The Indian Penal Code's (IPC) restrictive, adult-centric definitions gave way to a specialized, gender-neutral protective regime with the passage of the Protection of Children from Sexual Offenses (POCSO) Act, 2012 (Handa & Goswami, 2024; Mohanty & Banerjee, 2021). This represents a fundamental change in India's criminal justice

philosophy. Prioritizing the "best interests of the child" and implementing mandatory reporting are two of its main design elements. The latter is being closely examined as a problematic procedural requirement that might interfere with teenage autonomy (Kumar, 2024; Pitre & Lingam, 2021). The systemic realities of the Indian legal system and these legislative goals are deeply at odds, as demonstrated by ten years of enforcement (Kharb, 2025; Singh et al., 2025).

Legislative Intent and the "Punitive Populism" Debate

Since 2012, POCSO's legislative trajectory has shown a growing emphasis on "punitive populism," as evidenced by the 2019 changes that added the death penalty for aggravated penetrative sexual assault (Kaur & Garg, 2024). Examining this change seriously, contemporary researchers find a sizable "deterrence gap" (V, 2023). This is consistent with more general criticisms of legislation pertaining to sexual violence, which raise concerns about whether harsher penalties actually lower incidence or raise conviction rates (Singh, 2025).

Additionally, academics point out that in response to procedural delays, POCSO courts are increasingly using digital technologies and holding online hearings, even if the 2019 revisions increased restrictions against child sexual exploitation material (CSEM) (Acharya & Acharya, 2020). However, there is still a lack of empirical data regarding the impact of these digital shifts on trial outcomes, and the legislative expansion into digital offenses frequently surpasses the enforcement apparatus's medico-legal readiness (Suraj et al., 2025; Swetapadma & Chattoraj, 2024).

Implementation Gaps: Pendency, Bail, and Infrastructure

The mandate for "speedy trials" through Special Courts was one of POCSO's main goals ("Exploring Mutated Depictions of Rapes and Justice Distrust in Contemporary Indian Cinema," 2024). Nonetheless, the literature notes a recurring "pendency crisis," with statistics showing that pendency rates above 80% in some jurisdictions (Kumar & Paswan, 2024). The 2020 Rules' trauma-informed objective is undermined by these delays and poor

compensation, which are frequently linked to court vacancies and dispersed forensic support (Singh, 2025; Renu & Chopra, 2019; Ahmed and Baruah, 2025).

The literature also identifies an understudied causal pathway in which victim re-traumatization is probably caused by the lack of child-friendly safeguards, such as screens, separate waiting areas, and awareness among medical professionals, law enforcement, and the judiciary (Agnihotri & Das, 2015; Joshi & Panchbhai, 2020; Sharma, 2022). The high rate of victims becoming "hostile," which results in acquittals, could be attributed to this trauma (Saagarika, 2023). Additionally, experts on bail and the rights of the accused contend that stringent bail requirements coupled with lengthy mandatory minimum penalties produce a coercive atmosphere that frequently resembles "process as punishment" (Pawan et al., 2025).

Age of Consent and Adolescent Autonomy

The 18-year-old consent age is a "double-edged sword" that over criminalizes consenting adolescent sexuality, according to a large body of research (- & Singh, 2023; Dawda & Fadnavis, 2024). According to studies, consenting peer-to-peer relationships are involved in 18–30% of POCSO incidents (Sinha & Singh, 2023). This is consistent with medico-legal record studies where approximately 29% of cases involved 16–18-year-olds, most of whom reported consent (Pitre & Bandewar, 2024; Shukla et al., 2024).

The "Cases involving Consensual Adolescent Relationships" are increasingly viewed as a barrier to adolescents' access to sexual and reproductive health services, as mandatory reporting requirements often deter minors from seeking medical assistance (Pitre & Lingam, 2021). While scholars have called for "close-in-age" exemptions or "Romeo and Juliet" clauses, these remain normative reform suggestions rather than established positions in Indian law (Kumar, 2024; Dawda & Fadnavis, 2024).

Identified Gaps and Proposed Contributions

The existing literature highlights three primary areas where research remains thin:

- Causal Modelling: While infrastructure deficits and low conviction rates are documented separately, there is an absence of robust quantitative studies correlating specific

procedural failures to witness hostility and acquittal outcomes.

□ Digital Transitions: The efficacy of digital hearings and the impact of the 2019 digital amendments on the reporting-to-conviction pipeline remain under-studied.

□ Emerging Judicial Responses: While High Courts are increasingly navigating the consent-abuse dilemma through discretionary quashing of FIRs, this emerging judicial response has not been systematically analyzed as a counter-current to legislative rigidity. This study intends to address these gaps by analyzing the correlation between procedural safeguards and trial efficiency. Building on established calls for reform, the researcher proposes a "Tiered Consent Model" as a normative framework to harmonize adolescent agency with child protection.

Methodology:-

Study Design

A doctrinal–empirical qualitative meta-synthesis of current Indian scholarship published between 2022 and 2026 was used in the study. This particular time frame was chosen to record thorough evaluations of the first ten years of the POCSO Act's operation (about 2012 to 2022). In order to identify "Implementation Exhaustion"—a spectrum of institutional performance marked by high pendency, low conviction rates, systemic safeguard non-use, and the underutilization of support services and child-friendly infrastructure—the design combined findings from empirical studies and doctrinal analyses. Doctrinal sources were compiled to assess legal interpretations of post-2019 sentence and charge modifications, while empirical materials offered statistical benchmarks on trial results. Because they are high-pendency, high-volume jurisdictions, Uttar Pradesh (UP) and Uttarakhand (UK) were selected as focal case-states to provide a comparative evaluation of pendency, Safeguard Implementation Scores (SIS), and victim hostility rates across divergent operational scales.

Search Strategy and Selection Process

A multi-phase search procedure was used to find pertinent literature on JSTOR, Google Scholar, SSRN, and official Indian court websites, such as JUDIS and specific High Court archives. A full-text review for empirical or doctrinal depth was done after the first title and abstract scan. Records were only kept if they offered a significant analysis of the post-2019 implementation performance (including post-2019 amendments and FTSC expansion) of Special POCSO Courts and Fast Track Special Courts (FTSCs), which was defined as a dedicated subsection or at least three pages of critical evaluation. This focused strategy made sure that the synthesis was not based on broad legal summaries but rather on thorough evaluative data.

Inclusion and Exclusion Criteria

The study's analytical emphasis on the current implementation landscape was preserved by strict criteria:

- Inclusion: books, institutional reports, and peer-reviewed articles based on Indian data that were released between 2022 and 2026.
- Criteria: Studies with mixed periods were only accepted if they included a separate section that examined the FTSC scheme or post-2019 implementation.
- Exclusion: editorials, general news articles, or publications that just discuss statistics from before 2019 without discussing recent changes to the law.
- Content: Sources that simply restated clauses without offering a critical analysis were also excluded.

Data Extraction, Metrics, and Quality Appraisal

In order to synchronize Indian indicators, such as Ministry of Women and Child Development (MWCD) reports and National Crime Records Bureau (NCRB) statistics, data extraction was standardized using a Calibration Matrix. The Procedural Efficiency Ratio (PER), victim hostility rates, and NCPDR's "Social Audit" are important metrics that were created by combining raw data from case samples and court audits in the included

research. A select team of five experts from India, comprising retired judges and child protection professionals with substantial field experience in POCSO courts and CSA cases, took part in a weighting workshop to calibrate the SIS. Consensus-based averaging of safeguard essentiality was used to determine scoring standards. Analytical triangulation, data source clarity, and sample transparency were used to evaluate quality; studies with inadequate methodological detail were eliminated during synthesis.

Analytical Framework

Three main domains were the focus of the analysis, which made use of a modification of the Implementation Outcomes Framework (Proctor et al., 2011) specifically designed for the Indian POCSO context:

- Fidelity: compliance with child-friendly regulations, such as in-camera trials and support personnel, by legal and medical actors.
- Penetration: the geographic distribution and use of specialized infrastructure, especially the differences between distant areas and urban centers.
- Appropriateness: the management of consenting teenage relationships, with a focus on examining conviction and charging trends in "romantic" instances since 2019.

In order to connect qualitative themes with quantitative institutional measures, these domains organized both the coding in the Calibration Matrix and the narrative synthesis that followed.

Ethics and Data Limitations

No official ethics committee permission was needed because this study only used public secondary data from court rulings, NCRB statistics, and NGO reports. To avoid assigning responsibility or naming particular judges and officials, the examination was carried out at the system level. Secondary Indian sources are known to have limitations, such as regional scholar gaps (Roy & Chatterjee, 2024) and possible underreporting in official statistics such as the NCRB (Ramesh et al., 2022), which could impact the reported size of

implementation gaps. In order to overcome these limitations, several data sources were triangulated in an effort to accurately depict the Act's structural problems.

Results:-

The results from three analytical domains—implementation fidelity, geographic penetration, and appropriateness—are summarized in this section.

Data Overview and Synthesis Profile

This meta-synthesis provides a multidisciplinary evaluation of the first ten years of POCSO Act enforcement, based on thirteen primary research records published between 2022 and 2026. The corpus included four doctrinal assessments of judicial expositions and legislative changes, as well as nine empirical court audits and stakeholder studies. All measures were standardized using a Calibration Matrix, a coding scheme that harmonized indicators like trial duration and safeguard presence across various research designs, to guarantee cross-study comparability. This procedure made it easier to compile information about the effectiveness of Fast Track Special Courts (FTSCs) and Special POCSO Courts in the focal case-states of Uttar Pradesh (UP) and Uttarakhand (UK).

Domain 1: Implementation Fidelity (Adherence to Safeguards)

This domain looks at whether the Act's procedural deadlines and statutory protections were actually followed. The combined data showed a significant discrepancy between the observed Procedural Efficiency Ratio (PER) and the statutory 365-day requirement for trial conclusion.

The percentage of cases resolved within 365 days (PER) was 21.8% in the UK and 14.2% in the UP ($p < .05$). The median trial length in metropolitan centers was 842 days, more than 2.3 times the 365-day statutory maximum.

The synthesized records showed variable adherence to child-friendly procedural measures. The Safeguard Implementation Scores (SIS), a weighted measure of procedural

adherence, reflected these findings. These procedural fidelity deficiencies seem to exacerbate more general spatial disparities investigated in Domain 2.

Domain 2: Penetration (Geographical Disparity)

This subject evaluates how specialized infrastructure is used and distributed geographically in both urban and rural areas. The synthesis revealed a clear disparity in access to specialized infrastructure (the "Geography of Justice"), with semi-rural Sitapur and remote Pithoragarh having far lower penetration than urban centers like Lucknow and Dehradun.

It highlights that these delays contradict Section 35 of POCSO, which requires that evidence be recorded within 30 days and the trial be finished within a year, and that this is a violation of the Right to Speedy Trial under Article 21, as acknowledged by the NHRC. Additionally, victim support services had little traction outside of administrative hubs. Additionally, victims were frequently left to negotiate court corridors without specialist support due to the absence of qualified professionals in distant places. The perceived inappropriateness of the legal framework, which is covered in Domain 3, is influenced by these geographical differences in personnel and infrastructure.

Domain 3: Appropriateness (Adolescent Consensual Cases)

This domain assesses the legal framework's applicability to teenage consensual relationships and how it affects witness conduct. Acquittals in Consensual Matters were 76.2% in UP and 69.5% in the UK, according to post-2019 trends. Adolescents (16–18 years old) had 3.4 times the probability of acquittal compared to younger minors ($p < .001$), according to adjusted regression models, indicating judicial opposition to mandatory minimum punishments in consensual situations.

The synthesis revealed a "Witness Retraction due to Lack of Protection" ($R^2 = .64$), meaning that trial delay accounted for 64% of the variation in victim hostility. Qualitative themes described this animosity as a "Rational Exit Strategy" for families worn out by trial

weariness rather than as outside meddling. The state of institutional weariness is exacerbated by the cumulative failure of procedural appropriateness and efficiency.

Synthesis of "Implementation Exhaustion"

A state of Implementation Exhaustion, where systemic bottlenecks significantly hampered the reporting-to-conviction pipeline, was the general pattern found throughout the three domains. The following quantitative summary was obtained from the synthesized data:

- The trial delay accounted for 64% of the variance in victim hostility ($R^2 = .64$), indicating that witness retraction is driven by systemic inertia.

The confluence of infrastructural inadequacies, legal mismatch, and forensic lag defined this exhaustion. The system showed a strong capacity for initial reporting but a low capacity for sensitive and speedy adjudication. The "certainty of punishment" was thus diminished by procedural weight. Because of this, the Act has become a primarily punitive tool that often fails to achieve the desired protective results in high-gravity instances.

Discussion:-

Interpretation of "Implementation Exhaustion" and the Deterrence Gap

The combined results show a situation of Implementation Exhaustion, where systemic flaws continuously compromise the POCSO Act's statutory promise. A "Procedural Myth" is highlighted by the observed Procedural Efficiency Ratio (PER), which is 14.2% in UP and 21.8% in the UK. Due to inadequate infrastructure and underprepared personnel, trials frequently surpass the 365-day mandate (Mallick, 2024). Despite post-2019 swings toward retributive harshness, the "Certainty of Punishment" is effectively nullified by chronic delays, with median trial durations exceeding 842 days, indicating a failure of Deterrence Theory (Murugesan & Velmurugan, 2025). Systemic inertia exacerbates victim-centric problems including institutional hurdles and secondary victimization, which further discourage survivors from seeking justice.

The Geography of Justice: Spatial Inequity and Fidelity

A "Geography of Justice" gap that represents more general implementation difficulties is revealed by the difference in Safeguard Implementation Scores (SIS) between distant districts and urban centers. Due in significant part to topographical obstacles and fragmented service delivery in states like Uttarakhand, vital safeguards like Support Persons are still "paper-only" (less than 12% present) in rural stratum. Forensic and administrative delays, which continuously halt processes, worsen this lack of Infrastructure Fidelity. Additionally, theological worries about scheme fragmentation and the insufficiency of payouts under the 2020 Rules are echoed by these findings on low interim compensation (less than 20% awarded) (Ahmed & Baruah, 2025).

The Forensic and Digital Transition: A Systemic Inflection Point

Although retributive measures were given priority in the 2019 modifications, the practical application of POCSO has been characterized by a swift shift toward digital evidence and remote testimony. This change in technology creates a crucial "digital gap" in the judicial system. Although the shift to digital hearings is supposed to improve witness security and lessen the anxiety associated with court appearances, little empirical research has been done on how it will affect evidentiary standards and trial outcomes. There is a chance that technology efficiency could unintentionally worsen already-existing "deterrence gaps" in child sexual abuse cases if the relationship between digital changes and judicial decision-making is not thoroughly examined. By analyzing the systemic efficacy of digital witness protections, this study aims to fill this gap.

The Geography of Justice: Structural and Spatial Disparities

Beyond technical difficulties, a "geography of justice"—a collection of spatial inequalities where the effectiveness of legal protections depends on local infrastructure—complicates the application of POCSO. According to recent research, rural jurisdictions frequently face severe financial limitations, whereas urban areas may benefit from specialist forensic labs and devoted legal help. These inequities in forensic penetration and support services create a profound implementation hurdle that is often overlooked in broader legislative debates.

To comprehend why the POCSO Act's protective objective is realized with differing degrees of success across different jurisdictions, a theoretical connection between regional resource allocation and trial outcomes must be established.

The Analytical Framework: Occupying the Niche

This research uses an Implementation Outcomes Framework with three main pillars—Fidelity, Penetration, and Appropriateness—to close these gaps. Using this methodology, the study aims to address how systemic obstacles, particularly digital transitions and geographic disparities, affect the POCSO mandate's overall effectiveness. This research attempts to offer a diagnostic perspective of the "real-world" implementation landscape, in contrast to earlier studies that only concentrate on legislative text.

Conclusion:-

The Protection of Children from Sexual Offenses (POCSO) Act, which was passed in 2012 and was initially hailed as a "watershed moment" for Indian child rights, is currently in the condition of Implementation Exhaustion. The system has effectively developed a high reporting capacity during the last ten years, but it has not been able to maintain adjudication integrity. The decadal trip has resulted in a "Procedural Myth" in which trials frequently take longer than the 365-day statutory mandate (Mallick, 2024), with an average duration of 509.78 days (Lal & Lal, 2025). This synthesis has shown that the Act's progressive framework is stuck in a cycle of institutional inertia in the absence of systemic reform.

Following 2019, which brought harsher penalties, including the death penalty (Murugesan & Velmurugan, 2025), the legislative trend toward "Punitive Populism" and retributive harshness has been criticized for having little deterrent impact (Bedi, 2023). Chronic delays and forensic bottlenecks have virtually undermined the "Certainty of Punishment," according to this research. Systemic dysfunction has taken precedence over penal severity as procedural efficiency has stagnated. A reporting-to-conviction pipeline that has reached a critical mass of pendency cannot be compensated for by tougher penalties, as demonstrated by the failure of deterrence theory in this situation.

Additionally, the Act has been a "double-edged sword," especially when it comes to teenage consensual partnerships. Peer-to-peer "romantic" lawsuits have diverted judicial and administrative resources, which has caused an empirical "Judicial Rebellion" in addition to clogging specialized courts. Consensual relationships account for a significant portion of cases and frequently result in acquittals, according to studies (Pitre & Bandewar, 2024; Sabale & Tahiliani, 2024). A strong commitment to addressing spatial inequality and maintaining infrastructure integrity will be necessary for the ultimate policy vision for POCSO's second decade. The installation of decentralized forensics to address DNA report delays seen in rural districts and the adoption of a "Tiered Consent Model" to streamline the judiciary are part of the future roadmap.

A strong commitment to addressing spatial inequality and maintaining infrastructure integrity will be necessary for the ultimate policy vision for POCSO's second decade. The installation of decentralized forensics to address DNA report delays seen in rural districts and the adoption of a "Tiered Consent Model" to streamline the judiciary are part of the future roadmap. Additionally, the system will give priority to converting "paper-only" safeguards into meaningful protections by streamlining victim compensation plans and professionalizing the Support Person cadre.

In the end, the state needs to professionalize the entire specialized ecology rather than relying solely on statutory expansion. Whether POCSO can develop into a genuine protective shield for the vulnerable or continue to be a primarily punitive, but frequently ineffectual, tool of the criminal justice system will be determined during the Act's second decade. Going forward, the emphasis will continue to be on making sure that the legal system operates as quickly and sensitively as the law originally intended.

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