

Role of Stakeholders in the Implementation of the POCSO Act, 2012

Adv. Suhelkhan Babasaheb Rohile Research Scholar, Department of Law Shivaji University,
Kolhapur

Abstract

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enacted to address and redress the increasing instances of child sexual abuse in India. While the Act provides a strong legal framework, its success depends significantly on the performance and coordination of various stakeholders—law enforcement, judiciary, healthcare professionals, educators, NGOs, and families. This article critically examines the roles and responsibilities of these stakeholders and assesses the gaps and challenges in the multi-agency implementation model. It also provides recommendations for strengthening institutional responses and child protection mechanisms.

Keywords

POCSO Act 2012, stakeholders, child protection, police, judiciary, medical professionals, NGOs, child rights, implementation challenges

1. Introduction

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enacted by the Indian Parliament to address the alarming prevalence of sexual abuse and exploitation of children. Prior to this Act, the Indian Penal Code lacked a comprehensive framework to deal specifically with child sexual abuse, leaving many cases underreported or improperly addressed [1]. The POCSO Act closed this gap by providing a gender-neutral, child-specific legal mechanism that defines a wide range of sexual offences against minors, including penetrative and non-penetrative assault, harassment, and the use of children for pornography [2].

What distinguishes POCSO from other legislations is its emphasis on **child-friendly procedures** during investigation and trial. It mandates in-camera hearings, time-bound trials, assistance from support persons, and the safeguarding of the child's identity at all stages [3]. However, the implementation of this law is not solely dependent on legal provisions. Its real success hinges on how effectively various **stakeholders**—such as the police, judiciary, healthcare professionals, teachers, NGOs, and parents—collaborate to identify, report, investigate, adjudicate, and rehabilitate victims of child sexual abuse [4]. Where coordination and training are strong, the child receives care and justice. Where systems are weak or fragmented, the child may face re-traumatization, delay, or denial of justice [5]. Therefore, assessing the performance and challenges faced by each stakeholder is key to strengthening the protective framework envisioned under the POCSO Act.

2. Role of Police and Law Enforcement

Police officers are often the first point of contact for a child victim of sexual abuse. Their duties begin with registering a First Information Report (FIR) without delay and extend to producing the child before the Child Welfare Committee (CWC) within 24 hours, as required under Sections 19 and 27 of the POCSO Act [6]. They must ensure that the child is taken for a medical examination and that the CWC is informed of the child's condition and needs. The POCSO Rules, 2020, also prescribe that statements be recorded in a child-friendly environment—ideally at the child's home or a place of their preference, in the presence of a trusted adult, and in the language the child

understands [7]. Where possible, the officer should be female, and the child must not be made to wait at a police station overnight [8].

However, challenges in law enforcement continue to obstruct smooth implementation of these procedures. Reports by child rights organizations and legal institutions have consistently highlighted lapses such as delayed FIRs, non-registration of complaints, insensitivity during questioning, and lack of trained personnel [9]. Many police stations lack designated Child Welfare Police Officers (CWPOs), and some jurisdictions have insufficient female staff to respond to child victims appropriately [10]. The absence of standardized, mandatory training on child rights, trauma-informed policing, and the POCSO Act contributes to procedural gaps [11]. A coordinated training approach and routine performance monitoring of field officers are necessary to ensure that law enforcement becomes a reliable pillar of child protection [12].

3. Role of Judiciary

The judiciary, particularly Special POCSO Courts under Section 28 of the Act, plays a central role in delivering timely and sensitive justice to victims of child sexual abuse. These courts are mandated to conduct child-friendly proceedings, preferably complete trials within one year, and ensure that the child's dignity and emotional well-being are preserved throughout the process [13]. In-camera trials, restricted cross-examinations, and the use of video testimony when needed are provisions specifically introduced to protect children from secondary trauma [14].

However, despite these statutory safeguards, judicial delays are common. A 2023 report by the National Judicial Data Grid revealed that over 1.3 lakh POCSO cases remain pending, many for more than two years [15]. Frequent adjournments, unavailability of judges trained in child rights law, and infrastructural gaps in courtrooms—such as lack of separate waiting areas or support persons—continue to undermine the objectives of the Act [16].

4. Role of Medical Professionals

Medical professionals are tasked with providing timely medical intervention, collecting forensic evidence, and documenting injuries in a manner admissible in court. As per Section 27 of the POCSO Act, all hospitals—public and private—are legally obligated to offer emergency medical care to victims, even in the absence of a police complaint [17]. The guidelines also emphasize that examinations must be done with informed consent and in the presence of a trusted adult.

Despite these requirements, doctors often lack specialized training in handling child sexual abuse cases. A study by the Indian Academy of Pediatrics noted frequent lapses such as inadequate documentation, insensitive language during examinations, and poor preservation of evidence [18]. Moreover, the absence of standard operating procedures and medico-legal orientation in many healthcare settings adversely impacts case outcomes [19].

5. Role of Educators and Schools

Teachers, school counselors, and administrative staff are uniquely positioned to identify early indicators of abuse—such as withdrawal, fear, decline in performance, or absenteeism. The role of educators is not only preventive but also participatory; they are required to report any suspicions of abuse and create an environment where students feel safe speaking up [20].

In recent years, several boards including CBSE and state education departments have mandated awareness programs on POCSO, gender sensitization, and student safety audits [21]. Nevertheless, many schools still refrain from reporting due to fear of legal entanglements or reputational harm. A

culture of silence, lack of trained school counselors, and reluctance to engage with child protection services continue to hinder school-based intervention [22].

6. Role of NGOs and Civil Society

Non-governmental organizations (NGOs) and civil society actors play a critical support role in the POCSO ecosystem. From providing legal aid, psychosocial counseling, and temporary shelter to conducting training programs for frontline workers, NGOs help bridge the gap between victims and the state machinery [23].

However, their work is often underfunded and underrecognized. In the absence of formal integration into state systems, many NGOs operate in silos with limited impact. Regular collaboration between the police, CWCs, hospitals, and NGOs through government-facilitated MoUs could significantly enhance the efficiency of care and rehabilitation for child victims [24].

7. Role of Parents and Guardians

Parents and guardians are the first line of defense in a child's life. Their awareness, responsiveness, and openness to communication are essential in identifying abuse and facilitating early intervention. In many cases, children do not disclose abuse due to fear, shame, or lack of trust in adults [25].

Unfortunately, societal taboos, honor concerns, and victim-blaming attitudes often prevent parents from reporting cases—even when they suspect abuse. Awareness drives, parent workshops, and school-based engagement programs can play a major role in sensitizing caregivers to recognize signs of abuse and take proactive legal action [26].

8. Challenges in Multi-Stakeholder Coordination

While the POCSO Act clearly assigns responsibilities to each stakeholder, its implementation suffers from fragmentation. There is often a lack of real-time communication between police, CWCs, doctors, and judges, leading to duplication or delay [27]. Standard protocols for victim support, evidence handling, and referral services are either absent or poorly enforced.

The absence of dedicated child protection units in many districts further complicates multi-agency collaboration. States that have set up One Stop Centres and integrated Child Protection Services show better inter-agency synergy. Without a unified, tech-enabled, and accountable referral system, victims may fall through the cracks [28].

9. Recommendations

- Mandatory periodic training for police, medical professionals, educators, and judicial officers in child-friendly and trauma-informed approaches.
- Establishment of dedicated **Child Protection Units** in each district, staffed with legal, medical, and psychological experts.
- Strengthening of Child Welfare Committees (CWCs) and real-time integration with Special Juvenile Police Units.
- Encouragement of **formal partnerships with NGOs** through Memorandums of Understanding (MoUs).
- Implementation of **POCSO education modules in school curricula**, focusing on safe touch, consent, and reporting mechanisms.
- National-level campaigns promoting **family-based awareness**, counseling helplines, and stigma reduction.

10. Conclusion

The POCSO Act is one of India's most progressive child protection legislations, but its real power lies in implementation. The law envisions a society where children are protected not just by statutes but by responsive systems and empathetic people. To realize this vision, all stakeholders must work in close cooperation—trained, accountable, and aligned to the best interest of the child. Only through this coordinated, compassionate approach can India hope to reduce child sexual abuse and ensure justice and healing for every child.

References

1. Ministry of Women and Child Development. (2021). *Handbook on POCSO Act and Child-Friendly Procedures*. <https://wcd.nic.in>
2. The Protection of Children from Sexual Offences Act, 2012. <https://www.indiacode.nic.in>
3. UNICEF India. (2020). *Child Protection Guidelines and Legal Response*. <https://unicef.in>
4. Centre for Child and the Law, NLSIU. (2021). *Multi-Stakeholder Coordination for CSA Cases*. <https://ccl.nls.ac.in>
5. PRS Legislative Research. (2022). *Implementation Challenges of the POCSO Act*. <https://prsindia.org>
6. The Protection of Children from Sexual Offences Act, 2012. Retrieved from: <https://www.indiacode.nic.in>
7. Government of India. (2020). *POCSO Rules, 2020 – Gazette Notification*.
8. Ministry of Women and Child Development. (2021). *Handbook on POCSO Act and Child-Friendly Procedures*. Retrieved from: <https://wcd.nic.in>
9. Centre for Child and the Law, NLSIU. (2021). *Implementation of the POCSO Act: Study of Special Courts and Law Enforcement*. Retrieved from: <https://ccl.nls.ac.in>
10. National Commission for Protection of Child Rights (NCPCR). (2020). *Study on Police Preparedness for CSA Cases*. Retrieved from: <https://ncpcr.gov.in>
11. Kailash Satyarthi Children's Foundation. (2020). *Assessment of Law Enforcement Gaps in CSA Response*. Retrieved from: <https://satyarthi.org.in>
12. UNICEF India. (2022). *Toolkit for Child-Friendly Policing Under POCSO Act*. Retrieved from: <https://unicef.in>
13. The Protection of Children from Sexual Offences Act, 2012 – Section 28. <https://www.indiacode.nic.in>
14. Ministry of Women and Child Development. (2021). *POCSO Handbook – Judicial Protocols*. <https://wcd.nic.in>
15. National Judicial Data Grid (2023). *Pending POCSO Cases in India*. <https://njdg.ecourts.gov.in>
16. Centre for Child and the Law, NLSIU. (2022). *Challenges in POCSO Court Infrastructure*. <https://ccl.nls.ac.in>
17. POCSO Act, Section 27 – Medical Care Provisions. <https://www.indiacode.nic.in>
18. Indian Academy of Pediatrics. (2021). *CSA Medical Examination Guidelines*. <https://iapindia.org>
19. Save the Children India. (2022). *Child Protection in Healthcare Settings*. <https://savethechildren.in>
20. CBSE Circular on Child Protection, 2022. <https://cbse.gov.in>
21. NCPCR. (2021). *School-Based Awareness Programs on POCSO*. <https://ncpcr.gov.in>
22. National Education Policy Reports. (2021). *Status of Counselor Appointments in Schools*. <https://education.gov.in>
23. Childline India Foundation. (2020). *Role of NGOs in CSA Response*. <https://childlineindia.org>
24. Kailash Satyarthi Foundation. (2020). *NGO-State Collaboration in Child Protection*. <https://satyarthi.org.in>
25. UNICEF India. (2022). *Caregiver Engagement in CSA Prevention*. <https://unicef.in>
26. PRS Legislative Research. (2023). *Barriers to Reporting Child Sexual Abuse*. <https://prsindia.org>
27. MWCD & NCPCR Joint Report. (2022). *Need for Inter-agency Protocols in POCSO Implementation*. <https://wcd.nic.in>
28. One Stop Centre Guidelines, Ministry of Women & Child Development. (2021). <https://wcd.nic.in>