



Legal Responses to Child Sexual Abuse in Rajasthan: Evaluating the Effectiveness of the POCSO Act

Suraj Prakash Verma¹, Dr. Mithlesh Malviya²

¹Research Scholar, School of Legal Studies and Governance, Career Point University, Kota, Rajasthan, India

²Research Supervisor, School of Legal Studies and Governance, Career Point University, Kota, Rajasthan, India

¹Surajprakash_verma@hotmail.com

Abstract: Although “the Protection of Children against Sexual Offences (POCSO) Act, 2012” was enacted to create a comprehensive and child-focused legal framework, to prevent, prosecute, and protect children, child sexual abuse remains among the most prevalent yet underreported offences in India. The article focuses on the implementation and enforcement of the POCSO Act by examining the effectiveness of legal measures against child sexual abuse in Rajasthan. The socio-legal environment is highly intricate and intrudes on the reporting, investigation, and adjudication of offences against children in Rajasthan, which is marked by the entrenched patriarchal values, urban-rural inequalities, the tradition of child marriage, and a stigma attached to children in society. The research also follows a socio-legal and evaluation-based approach by filtering through secondary materials, including the statistics proposed by the “National Crime Records Bureau (NCRB),” the decision of the POCSO courts and the Rajasthan High Court, and publications of the various organizations focused on protecting children. Although after POCSO, the number of reported child sexual abuse cases has increased, which may indicate that people are better acquainted with the issue, the outcomes indicate that there is an inversely correlated tendency: the goals of the Act get compromised by such issues as inefficient investigation, a lack of conviction, procedural flaws, and the lack of victim-supporting mechanisms. Instead of poor laws, the article attributes child-friendly justice barriers to systemic implementation challenges and socio-cultural barriers to the efficiency of POCSO in Rajasthan. To fulfil the promise of POCSO and provide justice and protection for child victims, it closes by stressing the need for better institutional coordination, sensitizing players in the legal and police sectors, and community-level interventions.



Keywords: Child Sexual Abuse; POCSO Act, 2012; Rajasthan; Child Protection Laws; Socio-Legal Analysis; Criminal Justice System; Victim-Centric Justice

Introduction

Public health and human-rights experts view child sexual abuse (CSA) as a pressing social issue that necessitates societal, institutional, and legal solutions because it is pervasive and has far-reaching effects on children's physical and mental health as well as on their ability to interact with others in their communities and across generations (Fernandes et al., 2021) [1]. "In 2012, the Indian Parliament passed the Protection of Children from Sexual Offences (POCSO) Act," a child-friendly law that criminalizes various sexual offenses against individuals under the age of eighteen and stipulates measures to lessen the impact of these crimes on these victims, such as in-camera trials, special courts, and medico-legal protections (The Protection of Children from Sexual Offences Act, 2012).

National statistics provide a more complex view: the last few years have seen an increase in both the number of reported crimes against children and the number of cases processed under POCSO (NCRB, Crime in India 2021) [2], a phenomenon that experts interpret as representing not only improved detection and reporting systems but also the continued existence of child sexual abuse. Due to the state's large rural population, inconsistent institutional capacity for child protection, and long-standing social and cultural norms that discourage disclosure (such as child marriage in certain districts, shame, and family honor), as well as the fact that official state and police publications show an increase in child crimes, local advocacy groups highlight gaps in investigation, prosecution, and victim support, and Rajasthan Police/Rakshin report and Satyarthi Centre status reviews provide evidence of this [3].

Has POCSO's legal framework resulted in effective, child-centric justice in Rajasthan, or are implementation, institutional, and socio-cultural failures undermining legislative intent? This is framed by the confluence of increasing recorded incidence, procedural delays in prosecutions, and persistent under-reporting. Therefore, this paper analyzes official data, court outcomes, and secondary literature to conduct a socio-legal evaluation of POCSO's implementation in Rajasthan. The goal is to find measurable gaps between the Act's child-protection objectives and the reality of victim support during investigations, trials, and after the trial.

1.1. Conceptual and Legal Framework



Sexual activities enforced upon a minor who cannot give informed consent are classified as child sexual abuse (CSA), which is universally recognized as a violation of the fundamental rights of children regarding their physical integrity, development and dignity. The Protection of Children from Sexual Offences (POCSO) Act, 2012, provides the legal definition of CSA in India. This act takes a child-centric approach by classifying all individuals under the age of eighteen as children, regardless of their gender or marital status. The Government of India (2012) [4] noted that POCSO recognizes the power imbalance between adults and minors by providing a separate legal framework that criminalises sexual acts against children without requiring proof of consent, in contrast to earlier sections of the Indian Penal Code that dealt with sexual offences through fragmented and adult-centric definitions.

The international instruments expressing comparable interpretations are the UNCRC that declares that, states are obliged to safeguard children against sexual exploitation and abuse in all its manifestations and emphasizes that states have a duty to engage in legislative, administrative, and social measures to avert such atrocities (United Nations, 1989) [5]. Consistent with the fact that children may be sexually assaulted in a very diverse range of ways, the POCSO Act distinguishes between several distinct types of child sexual abuse, which are legally enforceable. Examples of sexual assault include penetrative and aggravated penetrative assault, non-penetrative assault, sexual harassment, and pornographic use of children.

To acknowledge sexual violence against children is not limited to physical penetration, which is why such classification is a crucial conceptual change, involving also those actions that violate sexual autonomy, privacy, and psychological well-being. As it has been noted by academics (Chaudhry and Patel, 2019) [6], this wider definition puts Indian law on a par with international norms of protecting children, and it also enables the criminal justice system to deal with a wider range of abusive practices previously ignored or not prosecuted with the intensity needed.

Although this law can be discussed as rather comprehensive, the practice has been found by empirical studies to be uneven in applying it, particularly in cases of online sexual exploitation or non-penetrative abuse (Kacker et al., 2017) [7] Since the susceptibility of children to sexual abuse highly depends on socioeconomic and cultural influences, it is imperative to conduct a region-specific study. In states such as Rajasthan, children have higher chances of being abused and lower chances of reporting it due to factors such as



poverty, gender disparities, child marriages, and caste structure, as well as highly established family honor traditions.

It has been shown that such abuse may occur at home or in other places familiar to the victim, and the offenders are mostly those known to the victim, making it significantly harder to report it and take legal action (NCRB, 2021). Child-unfriendly policing, inadequate parental and guardian legal education, and rural-urban disparity are some of the factors that contribute to the systematic under-reporting and delays in justice delivery. Therefore, even though POCSO provides a strong legal and theoretical basis, in practice, children in culturally and economically varied regions such as Rajasthan remain at a greater risk of injury. This underscores the need to consider the interaction between the law and society to determine the outcomes of protection in action.

“The Protection of Children from Sexual Offences (POCSO) Act, 2012,” was enacted to create child-friendly procedures of investigation and trial and to create a particular, gender-neutral system of law that will penalize the vast majority of sexual crimes against victims under the age of eighteen. A person under the age of eighteen is considered to be a child. The defence of consent is specifically abolished in the case of minors, and the Act consolidates offences that were previously scattered throughout the IPC and other acts into a single regime. Such crimes encompass penetrative and non-penetrative sexual assault, sexual harassment, and using a child to obtain pornographic material. Trying to diminish the rate of secondary victimization and address the issues of evidentiary complexity peculiar to children, these structural elements signify the transition toward the adult-oriented laws to rights-oriented protective laws.

Notable aspects of POCSO are a section defining crimes (Sections 3-9), a section requiring reporting (Section 19), a section of forensic and medical examination (Sections 27-30), and a section of protection against re-traumatising procedures (Sections 26, 28), e.g., in-court exposure. Besides the fact that the use of video-recorded remarks can be considered as evidence, the Act establishes that there are some specifications of how the statements should be recorded by children. Interestingly, POCSO crimes necessitate the police to register a “First Information Report (FIR).” Specific responsibilities of the police are also presented in the Act, such as the responsibility of making sure that the statements and examinations are conducted in a child-sensitive manner (Section 21). These procedural requirements are an



indication of the attempt in the Act to adjust the criminal justice system to the special needs of juvenile victims.

The law needs different procedural safeguards to ensure the child-friendly objective of the law is achieved. The Act and its supplementary model guidelines emphasize the following in order to protect the identity and dignity of the child: a medical examination within 24 hours is preferable; statements are to be taken in a private and non-threatening environment by competent individuals; aggressive cross-examination is prohibited; and the trial should occur in camera. Multi-agency coordination to minimize cases of re-victimization and medico-legal evidence has been stressed in a host of model-guidelines and Standard Operating Procedures (SOPs) written by child-rights bodies and states to facilitate the provision of these protections by medical professionals, prosecutors, and law enforcers. Examples of common challenges that have persisted despite the explicit guidelines include delays in handling medical examinations, a lack of child-friendly space, and poor training of first responders, as per studies on implementation.

To prevent a lengthy legal process, which can have a negative effect on the victims, the Act provides that Special Courts should be established to speed up the prosecution of POCSO crimes and considers time-limited disposal to be a necessary part. To address these cases, states have established Sessions Courts, "Fast Track Special Courts (FTSCs) [8], and exclusive POCSO courts;" reporting mechanisms at the federal and state levels now monitor the quantity and efficiency of these courts. However, the promise of quick justice is undermined by pendency, which is a major worry.

Heavy caseloads, backlogs in forensic processing, and an uneven distribution of functional special courts throughout states have all been uncovered by monitoring reports and non-governmental organizations. Efforts to improve disposal rates have been indicated by recent government data and policy initiatives, such as the establishment of additional FTSCs. However, advocates warn that increasing the number of courts without also increasing capacity building in areas such as trained prosecutors, judges, and forensic labs will not eliminate delays.

Some major modifications were adopted by the POCSO (Amendment) Act, 2019, to close legal loopholes and boost deterrence in response to public uproar and changing patterns of abuse, such as the growing visibility of child pornography and online sexual exploitation. The 2019 revisions made many changes, including raising the minimum and maximum prison



terms for some crimes, making it more difficult to get out of prison for repeat offenders, and making it illegal to exploit children in pornographic works, which carries with it harsher penalties. The Amendment brought legislative consequences in line with a more punishing policy position by clarifying sentences for aggravated assault and providing for harsher punishments in cases when crimes result in death or grievous injury. Although these reforms indicate that legislators are doing the right thing by reacting to the emerging vices, opponents also note that increased penalties would not reduce crime until reforms are also made in the methods of crime detection, investigation, and conviction. They also raise concern on the impact of the extremely high penalties on rehabilitation, proportionality of sentencing, and plea bargaining.

The POCSO Act, along with its 2019 amendment, establishes a solid legal framework on paper by incorporating substantive criminalization, child-friendly procedural protection, and institutional means of facilitating prompt trials. Nevertheless, a general theme is apparent across the reviews and reports about implementation: laws alone cannot guarantee child-centred justice; there must be a continuous capacity building of the judicial system, medical, and social welfare system, and the community in general to enable reporting, evidence-preservation, and victim support to all perform as it should. In places like Rajasthan, where enforcement is further complicated by socio-cultural obstacles and infrastructure constraints, the effectiveness of POCSO is largely dependent on this disparity between the promise of the statute and its actual implementation.

I. OBJECTIVES

- To analyze patterns in the investigation, prosecution, and adjudication of child sexual offences in Rajasthan following the implementation of POCSO.
- To assess how the various Rajasthani institutions (police, special courts, child welfare authorities, and victim assistance) have put POCSO into practice.
- POCSO's ability to provide child-centred justice is hindered by socio-cultural and procedural obstacles.
- Suggesting workable changes at the community, institutional, and legislative levels to improve POCSO implementation in Rajasthan

II. RESEARCH QUESTIONS



- What are the trends in reporting and case registration under POCSO in Rajasthan since 2012, and how have they changed?
- How well do the results of investigations, the number of charges filed, the length of trials, and the percentage of convictions in Rajasthan represent the goals of POCSO in terms of protecting children?
- The most significant barriers to efficient implementation of POCSO in Rajasthan include socio-cultural reasons such as stigma, child marriage, and family pressure, as well as systemic difficulties such as police training, court delays, and a lack of victim assistance.
- Which specific reforms, whether they be administrative, legal, or community-based, would help child victims in Rajasthan get the help they need and increase their access to justice the most?

III. LITERATURE REVIEW

Satyarathi (2023) concluded that it appears that there are systemic issues with investigation quality, evidentiary substantiation, and trial efficiency rather than statutory deficiency, as the conviction rates under POCSO in Rajasthan remain relatively low, despite increased registration (Satyarathi, 2023) [9].

As per (NCRB, 2016; NCRB, 2021; NCRB, 2022) [10,11,12], child sexual abuse (CSA) has become an important and ongoing criminal category in Rajasthan, according to government statistics. This reflects both national trends and vulnerabilities specific to the region. The majority of crimes committed against children in the state are listed under the Protection of Children from Sexual Offences (POCSO) Act, according to data published by the National Crime Records Bureau (NCRB) (NCRB, 2016; NCRB, 2021; NCRB, 2022). The increase in registered cases may be a result of more people being aware of and willing to report sexual offences against children after POCSO was passed.

Kacker et al. (2017) ; iProbono, (2022) pointed out, however, the experts still caution that interpreting the figures in that way may be misleading as they rather show a complicated relation between the increased detection of such crimes in the legal system, better categorization of them, and the continuance of abuse (Kacker et al., 2017; iProbono, 2022). The introduction of POCSO in 2012, led to a significant shift in the recording and prosecuting of child sexual crimes in Rajasthan [13,14].



The NCRB (2021) reports that the unequal geography of CSA reporting in Rajasthan is further demonstrated by the differences in reporting rates between districts and by urban versus rural settings. The disparity is such that the number of cases reported from rural and tribal districts is very small as compared to that from urban districts which have greater access to judicial and police infrastructure (NCRB, 2021).

According to NCRB (2019) Before POCSO, numerous cases of child sexual abuse were condoned by the broad provisions of the Indian Penal Code, or they remained unreported due to stigma and lack of clarity in procedures. The cases of sexual assault, particularly those that belong to the categories of penetrative and aggravated penetrative assault, have been gradually growing since 2012, when a certain statute was enacted to make reporting of such cases mandatory (NCRB, 2019) [15].

Bhattacharya (2018) [16] revealed that it became clear that this disparity, as researchers figure out, does not reflect the lower rate of it in rural communities; this aspect attracts attention to the systemic barriers, including the ignorance of the law by guardians, the pressure in small communities, and the absence of child-friendly police forces (Bhattacharya, 2018). Due to the dominance of informal power structures and caste hierarchies in rural Rajasthan, fear of social ostracism or even retaliation may be a concern to families who venture out to report the abuse. This is one of the causes of the high rate of underreporting in this area. Rajasthan abides by the national trends regarding age and gender.

According to NCRB (2022) data, most victims are girls between the ages of 12 and 16, and while there has been a small uptick in incidents involving boys in recent years, the bulk of complainants are girls (NCRB, 2022). Chaudhry & Patel (2019) analysed that this pattern not as less victimization of boys but as a crack in the long-established veil of male child sexual assault (Chaudhry & Patel, 2019) [17]. youngsters under the age of twelve, in particular, are underrepresented in official statistics. This could be because caregivers are more likely to bury their allegations or because these youngsters lack the language skills to express the abuse they have experienced. According to government statistics and independent studies (Kacker et al., 2017; NCRB, 2021), a common finding is that the youngster knows who committed the crime. A large number of CSA instances in Rajasthan, like in the rest of India, include those in trusted positions, such as family, neighbors, instructors, or other members of the immediate family (Kacker et al., 2017; NCRB, 2021).



Baxi (2014) reviewed that because of the closeness of the relationships involved, reporting and prosecution can be challenging, since families may value social cohesion, economic dependence, or perceived honor more than seeking legal recourse. Conviction results and the POCSO's protective intent are both undermined when courts deal with hostile witnesses and dropped complaints [18].

UNICEF India (2020) claimed that the fundamental problem of underreporting, caused by structural inequalities and socio-cultural norms, is the main cause of all these trends. Very strong barriers to disclosure exist in Rajasthan, particularly for girls, due to the factors mentioned—patriarchal attitudes, the acceptance of child maltreatment, the customs of child marriage, and the stigma surrounding sexual victimization. Furthermore, families hesitate to adopt the formal legal route because of their fears of the police, their mistrust of the institutions, and their concerns about the future marriage prospects of their girl child. Thus, even though the NCRB data provide a significant empirical baseline for monitoring trends, they only show a part of the picture regarding sexual abuse of children in the state. The problem of CSA in Rajasthan must be seen in the light of the socio-cultural conditions and the statistical trends. This brings to the forefront the need for legislative solutions that transcend criminal justice systems and include victim-based support, community sensitization, and prevention measures (UNICEF India, 2020) [19].

IV.METHODOLOGY

The study evaluates the success of the Protection of Children against Sexual Offences (POCSO) Act, 2012, in Rajasthan, which adopts an approach of research based on a research-based socio-legal approach. The study combines both the theoretical and empirical analysis of law, through evaluating both theoretical and practical aspects of POCSO in the social and institutional contexts. In making this point, we have a better insight into the failure of child safety legislation to meet reality [20]. The primary sources of secondary data used to analyze the trends in reporting, investigation, prosecution, and conviction of POCSO cases include reports on the case of national crime records bureau (NCRB), Rajasthan police records, and data on the state home department.

Moreover, to assess the sentencing practices, the standard of evidence, and the interpretation of the statutes, the judicial rulings of the high Court of Rajasthan and the special courts of POCSO are reviewed. To complete the official statistics, the reports about the child rights



organizations and NGOs provide qualitative data about the victim support systems, difficulties in implementation, and so forth. Three approaches are used to carry out the analysis: first, a doctrinal study of the POCSO Act and its revisions; second, a statistical trend study of case data; and third, case studies of specific court decisions to draw attention to evidentiary and procedural concerns. A balanced and credible evaluation of POCSO implementation in Rajasthan is achieved through the triangulation of legal, statistical, judicial, and non-governmental organization (NGO) sources. The study is hampered by underreporting, restricted access to trial-level data, and the absence of primary fieldwork.

V. DATA ANALYSIS

Special Public Prosecutors, Special Juvenile Police Units, Child Welfare Committees (CWCs), and Special POCSO Courts are the pillars upon which the POCSO Act rests in the Indian state of Rajasthan. To deal with cases that are still pending, the state has turned the Sessions Courts into Special Courts and set up POCSO courts exclusively under the Fast Track Special Courts program. The effectiveness of time-bound trials is limited since many courts still handle mixed caseloads, even if this has enhanced formal access to justice (NCRB, 2022; Satyarthi, 2023) [21,22].

The police' duties concerning FIR registration, investigation, and coordination with CWCs suffer from uneven training and shortages of personnel, especially in rural areas (UNICEF India, 2020). In the process of starting the legal and protecting the children' rights, CWCs and Special Public Prosecutors can't be left out. However, their work is often blocked by the fact that they have too many cases and there is no specialist training (Kacker et al., 2017).

In the implementation of POCSO in Rajasthan, major procedural obstacles are still present despite the legal safeguards. This is due to the fact that the objective of speedy justice is obstructed by continued investigations and delays in trials resulting from forensic backlogs, inadequate court staffing, and frequent adjournments (NCRB, 2022). If medical exams and testimonies are recorded in a manner that is not suitable for children, the young victim will undergo procedural stress and will be subjected to questionings repeatedly (NCPCR, 2021) [23]. In circumstances of known abusers, kids in particular are vulnerable to fear and group pressure, brought about by the absence of properly organized victim protection and witness support systems. The disruptions in the response processes, which result from the lack of communication among courts, medical authorities, Child Welfare Committees (CWCs), and



police, further weaken the effectiveness of the child-centered system that the POCSO Act was meant to create.

The Rajasthani courts have been quite careful but at the same time not consistent in their approach when it comes to child-centered notions in POCSO cases, displaying this throughout their rulings. The Rajasthan High Court and the POCSO Special Courts' rulings indicate that the conviction rate is still low and also that acquittals are frequent due to the problems with the evidence, uncooperative witnesses, and mistakes in the investigation. Sometimes the courts in determining the age rely on the documentary evidence such as the school records which can be very challenging in rural areas, but generally, the courts have been taking a very strict statutory approach towards consent reiterating that a minor's consent is legally immaterial under POCSO. The 2019 amendments have caused a change in the sentencing policies in favor of harsher penalties for the more serious crimes although the discretion of the judges is still at stake. The courts accept the protective goal of POCSO, but child-friendly jurisprudence is not applied consistently [24].

NCRB reported that the number of incidents of child sexual abuse in Rajasthan recorded under POCSO Act has gone up every year. The Act is said to have had no impact as the number of cases has increased but the convicted number or the efficiency of the trials has not improved. The Act was supposed to be victim oriented but the time taken, lack of proper investigation, and poor support were the actual difficulties faced under the law. The issue of the law not being sufficient appears to be only a cover for the deeper problem of the socio-cultural and systemic barriers that exist between the legal intention and practice in Rajasthan [25].

Sociocultural variables to a great extent determine the success or failure of POCSO in Rajasthan. A lot of victims hesitate to report as they often view the perpetrator as a person they know and in response to the patriarchal traditions, stigma on sexual victimization, and family-based silence of complaints. Other factors that make access to formal legal systems less possible and increase the access of children to formal legal systems include the issue of child marriage in rural regions, vulnerability of rural populations, and caste systems. Underreporting and delayed intervention is perpetuated because of the fear of social exclusion by parents and children, their lack of legal knowledge and fear of retaliation.

The study conclude that child sexual abuse has increased in Rajasthan following the enactment of the POCSO Act. Nonetheless, it is not yet clear whether this increase in



reporting led to any improvement in the justice being served. Flaws such as the absence of victim support services, delayed processes, ineffective investigations, and defective evidence continue to affect the child-related objectives of the Act. The findings demonstrate that it is not the law that has led to the failure of POCSO in Rajasthan, but problems in the system implementation and socio-cultural hindrances.

For enhancing the POCSO implementation in Rajasthan, the reforms should mainly target the areas of investigation quality, prosecution power, and the agencies' coordination. To make the proceedings friendly to the child, it will be absolutely necessary to have the medical personnel, the judges, and the prosecutors trained in trauma-informed methods continuously. Victim support services like counselling, rehabilitation, and witness protection should be made permanent by means of state provision instead of relying on irregular non-governmental organization interventions. To close the gap between the law and the reality, it would be essential to set up community awareness campaigns, school-based education, more transparent statistics, and continuous monitoring of the POCSO cases.

VI. CONCLUSIONS

The POCSO Act has a comprehensive legal framework, but this research exposes that the factors related to implementation, delays in procedures and socio-cultural barriers make the Act less effective in Rajasthan in the case of child sexual abuse. It is a change in the system that needs to be made as the law is not enough because more reporting has not necessarily resulted in immediate justice and deterrence. The problems of the child protection system in India on a larger scale need to be checked by legal enforcement, institutional capacity building and community efforts as pointed out in the case of Rajasthan. To better assess the influence of POCSO on the results of child protection, future studies should involve a comparative state-level analysis with primary fieldwork.

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