



CHALLENGES IN CHILD ABUSE REPORTING AND THE ROLE OF POCSO ACT, 2012 IN EMPOWERING VICTIMS

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Abstract

This is the grave situation of child abuse and most specifically the sexual abuse despite India being a nation that is culturally and ethically conservative in nature. The initial step in promoting justice, protection, and rehabilitation of the suffering turn out to be reporting about the child abuse. Nevertheless, there are some factors that make proper reporting difficult to achieve, which include risks of retaliation, stigma, ignorance and culture. To curb all this, the Protection of Children against Sexual Offences (POCSO) Act, 2012 was passed to come up with a legal system that would empower the victim to come out and report sexual abuse and make the legal system child-friendly. The paper discusses the importance of reporting of child abuse, reasons that hinder reporting of child abuse as per the POCSO Act and how the Act is an empowerment tool on child abuse. It also speaks about the role that the stakeholders (police, NGOs, social workers, and so on,) play in creating proper reporting. The paper offers also case studies and examples of the successes and failures of the Act in the real life. The paper ends with recommendations on what further can be done to strengthen the POCSO Act thus enabling more cases of child abuse to be reported and eliminate existing barriers hence making sure the victims get justice and assistance promptly and sufficiently. Finally, the research concludes with the explanation of why it is necessary to implement wholesome reforms such as training professionals, improving social support structures and creating more awareness to enhance reporting and safeguard children in an efficient way.

Keywords: Child Abuse, POCSO Act, Reporting Mechanism, Legal Framework, Social Stigma, Victim Empowerment, Child Protection

1. Introduction

Sexual abuse of children is a very discomfoting and dreadful topic that has troubled million of children across the globe and India is not an exception. Child sexual abuse has the tendency of producing prolonged emotional, psychological and physical consequences to its victims due to the qualities of the vice. In spite of the raised attention with regard to this concern, child abuse reporting is deemed as one of the most crucial, but also the most problematic elements of child protection [1]. The way to provide the victims with justice starts by reporting of this kind of crime, yet there are a number of obstacles that interfere with this process and therefore most of the children never seek the assistance they so badly need.

The Protection of Children from Sexual Offences (POCSO) Act of 2012 came into existence due to the high numbers of cases of sexual abuse of children and also to have a legalized backbone that may save children against such exploitation and abuse by some dirty minds [2]. Not only does the POCSO Act categorize a broad scope of sexual crimes against children, but it also requires that the process of reporting the crime should be child-friendly to ensure that children find it easy to report such cases without the risk of describing the re-traumatization experience. Such legal framework can guarantee that children experience dignity and respect in the reporting, investigation and justice process and it helps to alleviate the usually disastrous level of psychological effects of abuse.

In the current paper, the researcher aims to extend the analysis of the problem of reporting child abuse by investigating the social, cultural, and structural factors that discourage or impede the identification of perpetrators by the victims. It also seeks to bring out the manner in which the POCSO Act has empowered victims in giving them a more conducive and friendlier platform which enables them to report abuse. By studying the provisions of the Act, the paper will answer how the POCSO Act can enable the removal of such barriers and how its provisions can be made stronger to enhance the legal and social framework to protect the children in India. Also, this paper will explain how the different stakeholders involved like law enforcement agencies, Non-Government Organizations and child welfare committees can assist in the reporting system and that the victims are not only empowered to report the abuse



happening to them but also receive quick justice and all round care.

Finally, the conclusion of the paper is to learn the functioning of POCSO Act in helping eliminate the barriers to reporting, provide the recommendations on how to further implement it, and introduce a holistic approach to providing a completely new system not only allowing more people to report the child abuse and seek help but also being very accessible largely due to the community being fully aware of the need and properly trained to help the victims of child abuse.

2. The Significance of Reporting

Sexual child abuse is a disastrous act that inflicts a lasting impact in the body, mind and the spirit of the abusee. Reporting of child abuse is the initial and the most important process in achieving justice to the child. After being made known, the case proceeds to the legal system where it can be supported by the law enforcement agencies, the court as well as the social services to establish that the victim has been protected against attack as well as to convict the criminal.

Early reporting is arguably important as authorities will be able to step in immediately. It is very essential to intervene early so as to ensure that the child does not suffer further both physically and psychologically. With early reporting of abuse, it is possible to provide medical care to the victim so as to attend to possible injuries and psychological care can start as soon as possible [3]. Early reporting also gives forensic evidence a chance of being collected and this is very crucial as far as making a strong case in the court is concerned. Other than benefiting the child, abuse reported reduces exploitation in future. Through early detection of abusers, the authorities will ensure that they never destroy other children. This is especially so in the instances of repeat offenders who in most likelihood will keep on abusing children unless caught. Reporting is not only important on a case to case basis, but also an important instrument of prevention of child abuse in general society.

In one of the most famous cases in Delhi in 2019 a little girl was raped by a relative. It was later on reported to the authorities by a school teacher and on medical examination it was found that it left a big impact physically [4]. The immediate investigation by the police resulted in the arrest of the perpetrator who got convicted. This timely care meant that the victim is accorded prompt attention medically and psychologically, which basically wipes out the negative impact of the assault in the long run. Another lesson that the case provided was the fact that schools and teachers should always be alert about reporting any possible cases of abuse, and in this way they assisted other potential victims who were now spared of getting hurt.

The Process of Reporting Under the POCSO Act

The mechanism of reporting child abuse based on the POCSO, 2012 law is supposed to be convenient and victim-friendly. The Act requires that in case one discovers that there is abuse of any child then the person should report the abuse to the authorities. This may involve relatives, educators, medical practitioners, close residents or even the child himself or herself. The major highlight of the POCSO Act is that it gives due authority to the child to either report the abuse directly or through someone on behalf of the child which makes the reporting process accommodative in nature [5].

The POCSO Act focuses on the victim-friendly approach being used in the reporting process. In this respect, one protects the dignity of a child and his or her mental health. Take example, the kids are not expected to narrate anything about the abuse in a way that could hurt them doubly. Instead, the professionals undergoing psychological training and being well aware of child psychology and forensic interview techniques are the ones who question the children, through the Act. These experts will make sure that the questions are relevant and not intimidating, which results in the obtaining of the accurate testimony in the process that protects the emotional condition of the child. In addition, the Act dictates that one should handle the report on child abuse with urgency. Other authorities like the police should move with speed to investigate the case, gather evidence and in order to ensure that the child is protected. The case then takes a short route in the system of justice and the case is resolved rather quickly. This is of utmost importance since delays in justice tend to traumatise the child further and further diminish chances of successful prosecution.

As an example, the case in the state of Maharashtra showcased the usefulness of the provisions of reporting under POCSO Act. One neighbor abused a child and notified a local NGO about that. The NGO also notified the police who proceeded on the child-friendly procedures instituted by POCSO Act [6]. The sensitive recording of the child



statement was done and the medical examination was carried out in the best of time. These specialized courts then speeded up the trial and the abuser of the child was proved guilty and this resulted in the abuser leaving the community and hence resulting in no victims of abuse.

3. Role of Authorities in Receiving Complaints

The law enforcers concerned with the reception of complaints against POCSO form a key element in the securing and comfort of the victim. The role which all the three services, the police, child welfare committees (CWCs) and the NGOs are assigned needs to be defined and once this is done, proper care would be provided in giving the needs of the child, the abuse would be investigated well.

1. Police Role:

Child abuse is usually reported through the police as the first channel of contact. The POCSO Act ensures that every police officer must be specially trained in dealing with the cases of child abuse. This involves child protection training, child interview, and gathering of evidence. The police officers are required to understand the trauma which the children have to undergo and to make the process of reporting as helpful as possible. As an example, the police personnel were given special training to abide by all the intricacies of child sexual abuse cases on the power of POCSO Act in Bangalore [7]. The training also provided them the requisite skills on how to attend to sensitive cases diligently and reduce the trauma occasioned by the process of reporting. Consequently, when one of the local schools reported the case of a child abuse, the officers acted according to the standard procedure and made sure the child remained safe, supporting her with the corresponding counseling and medical treatment.

2. NGOs and Social workers:

The NGOs and social workers are very important in mediating the relationship between law enforcement and the society. They assist the victims in real time, they give psychological services, medical services and legal services. They also play a role of mediators, who help the victims to find their way in the complicated litigation procedure and who provide victims with a possibility to be heard. In another instance, Bachpan Bachao Andolan (Kolkata) is an NGO that has played a crucial role in ensuring that child abuse becomes a known issue besides helping children report against abuse [8]. The NGO assisted a young girl who had been sexually abused in her locality to make a complaint to the police, attended to the girl at the court and offered her emotional support which greatly helped her to cope.

3. Child Welfare Committees (CWCs):

The CWCs have the mandate to safeguard and address the interests of the child all through the legal process. According to POCSO Act, CWCs are expected to intervene after a child is reported to have been sexually abused. They assist in organizing care, safety and rehabilitation of the child and the child will be given the physical and mental needs. CWCs collaborate directly with medical practitioners and non-governmental organizations to offer complete assistance to the child. In Chennai, CWCs collaborate with law enforcement and other local non-governmental organizations in order to offer quick and efficient response towards the cases of child abuse [9]. In one of these offences, a child who was raped by a relative was immediately sent to a CWC to get protection and get back to normalcy. CWC made the child undergo psychological counseling and also liaised with the specialized courts in order to accelerate the case.

Child abuse reporting is the essential element of prevention and prosecution of child abuse. POCSO Act has paved the way to establishing the child-friendly legislation that fosters prompt reporting of the abuses, avoids re-traumatization of the victims, and allows to introduce prompt legal deduction. The success of the Act however is dependent on the coordination of the many stakeholders such as police, CWCs, NGOs and the community. By means of good training, strong support frameworks, and victim-oriented processes, the complaining of a victim of abuse could be simplified and readily available and at the end of the day, there would be a safeguarded and empowered child.



4. Barriers to Reporting

Fear of Retribution

The abuser is most of the times very close to the child and this could be family member, a teacher or someone whom the child or the family is used to or trusts—mostly an adult. This gives rise to power imbalance in which the victim fears a backlash. The abuser can threaten to harm or even exploit more the child in case they reveal the abuse and some of the abusers may go further as to coerce the family to remain silent.

There was an incident in Uttar Pradesh, where the most distorted incidence was towards a 10-year-old girl who was being sexually abused by her uncle. Due to the fear to be punished and the result of social backlash, the family did not want to report the incident in the beginning. The case came out after the girl opened out to her school teacher who reported the matter to the authorities. The attacker, in an attempt to avoid getting brought to face the justice got nervous and tried to escape the city but there was a brave mistake on the side of the victim of reporting which made the culprit to be captured. The case was addressed by delivering psychological counseling to the child, yet there was a slight hesitation to start with, that is why more emotional turmoil-causing issues were developed. All the mentioned are seen in the case and demonstrate how fear of punishment and pressure by family members can delay the justice process and impact the child well-being. In such a case, the POCSO Act comes to the rescue by making sure that the pressure is not exerted on family members or guardians to keep the child quiet, although the threat of reprisal is a major obstacle in most of the societies [10]. The law enforcement, by its specialized training, should trauma these fears by ensuring that the victim and his or her family enjoy the privacy and security.

Social Stigma

Child sexual abuse is a topic that is viewed as a taboo in most societies in India. The culture of fearing dishonor and shame is wide-spread, and thus it does not allow families to appear. Stigma on abuse is especially high in the rural and conservative places where a child who has been abused may be perceived to be a family shame and thus people would not discuss about it.

In one of the small villages in Madhya Pradesh, a child was raped by a relative. The child was abused many times but the parents did not hand over the matter to the authorities because of the stigma and disgrace to the family. The case was reported only after a local NGO came to the rescue of the family and conducted counseling sessions. Though the abuser was later sentenced, the family had taken long to report the abuse; thus making the child take an emotional trauma. Victims and civil families are at the risk of getting discouraged by social stigma. These issues are taken into consideration by stating the importance of children sensitive procedures and confidentiality in the investigation in the POCSO Act [11]. However, the social ideology of family honor and reputation prevents justice on the case of child maltreatment.

Cluelessness

Most children especially in the rural and remote regions are ignorant of their rights and legal processes to report a case of abuse. At such places, there is minimal awareness on what is accepted as child sexual abuse and how they can get assistance. This is further worsened by the fact that he or she may also be ignorant about the POCSO Act and its stipulations since the same may have alluded parents, caregivers and school authorities.

In Bihar, a young girl got abused by a neighbor. She did not know how to get some help as she was not thought a thing about her rights or about what law could offer her certain protection. When one of the schoolteachers noticed the symptoms of violence and reported to the local law police, it became possible to do something. Such late reporting was caused by the ignorance of the girl and the ignorance of her family concerning the legal measure that they could use in their situation regarding the POCSO Act [12]. This explains why awareness campaigns and education programs about children and adults should be created. Effort should also be put by the schools, NGOs, and those organizations based in the community to make sure that children also get enlightened regarding their rights and parents are advised on how to report cases and get assistance.

Cultural Factors

In some cultural settings, reporting of child abuse is one of the most reluctant things as people feel that family affairs



ought to be kept secret. Registering complaints in these communities is considered as an interference in a personal life or as something that can disgrace a family. Such a mentality usually leads to underreporting or silence on abuse so that the abusers can go on with their activities without any checks.

A boy in the state of Rajasthan was regularly raped by an intimate acquaintance. The family concealed the event due to the fear that their image was to be defiled should the issue of the abuse be reported. The case was reported to the police only after the boy turned to one of the school counselors who could be trusted. This latency in indicating the trauma extended the trauma and affected the emotional healing as there was the culture of silence among the children. Some of the examples of cultural factors include fear of shame in society and the desire to deal with the problems within the family do not help in reporting of child abuse [13]. The POCSO Act would help to solve this problem in that confidentiality would be provided and dignity and respect would be given to the children during the process. Cultural stigma about the abuse, however, should be brought up on a constant basis with the help of community outreach and education.

Weak Support Systems

Lack of ready-made support mechanisms to deal with the victims has been cited among the major obstacles to reporting abuse. In spite of possible reporting of abuse, the victims still most likely end up with a shortage of adequate counseling, psychosocial aid or protection in the case process. Such instant unresponsiveness of the system frequently results in starting the withdrawal of the victim of abuse or, in the second-worst case, traumatizing him/her once again.

In Chhattisgarh, one of the victims who is a girl sexually assaulted by a member of the family approached the authorities. Nevertheless, the victim suffered because of lack of immediate medical and psychological assistance, which posed the problem of coping with the trauma, and the mistrust of a legal system. Because of this, the victim is not ready to present in the court and finally, the case lost interest. This case illustrates an importance of the child oriented services and an urgent intervention that is required after the reporting of abuse [14]. The POCSO Act lays stress on the necessity of support services, e.g., counseling and temporary shelters of the victims, yet, they are not accessible everywhere and at all times. It would be one of the primary concerns in the successful implementation of the Act to ensure that the victims get early medical attention and psychological help.

The barriers to reporting child abuse, including fear of retribution, social stigma, lack of awareness, cultural factors, and inadequate support systems, continue to hinder the effective implementation of the POCSO Act. While the Act provides a robust legal framework to protect and support victims, addressing these barriers is critical to ensuring that children feel empowered to come forward and report abuse. By enhancing awareness, strengthening support systems, and overcoming cultural barriers, we can ensure that the POCSO Act fulfills its promise of creating a child-friendly environment that encourages the reporting of abuse and provides victims with the necessary protection and support.

5. Empowerment Through POCSO Act

POCSO Act, 2012 has been formulated with the express objective of preventing child sexual abuse and to ensure that there is a child friendly environment that allows the children to report any instance of abuse without fear or any stigma or traumatizing effects of abuse. The Act draws particular attention to the child-oriented mechanisms and also incorporates a listening post of children that will not only be applicable in the best interest of children but will also avoid further psychological damage to the children by not affecting their dignity. Under the Act, both minor and vulnerable children have been empowered to report under the protection and support to report on abuse and go through the means of the court.

The Effect of POCSO Act on Children Empowerment on Reporting Abuse

The POCSO Act gives a cluster of options intended to ensure that the children are at the centre of the reporting process with their security and welfare being put first. It has been established in the Act that every child who reports an abuse should be treated with dignity and respect, and such a legal context makes concessions on the special needs and requirements of the children. Probably the most valuable aspect of the Act is that it focuses on a victim friendly practices, to enable a child to report victimization in a manner that will be sensitive to his or her emotional and psychological status [15]. The Act guarantees that professional handling of the case is provided at all the stages, which reduces the possibilities of post-traumatic stress. It is also expected that the members who represent a child



either by the police, social workers or the lawyer should be specially trained in dealing with these delicate children abuse cases. This is done so that the child feels as non-threatening as possible so as to make him open up.

In Kerala, a young girl claimed to be abused by a relative family member but because of the trauma that she had already experienced she could not recall the details about the abuse. The POCSO Act saw to it that a trained social worker was available to make her feel free and took the child through the procedure of reporting the abuse where she was not intimidated. The techniques applied by the social worker reduced trauma and was sure that the testimonial of the child was correctly documented [16]. This solution was child-oriented and lowered the emotional level of the victim considerably; the chances of winning in court also grew considerably. The victim-centered approach that is subjected in POCSO Act underlines the fact that a victim is never likely to be blamed because of the abuse that he or she experienced and that the victim is self-sufficient in seeking justice and causing little amounts of harm in his or her emotional status.

Special Arrangements with Child Friendly Reporting

In order to develop an atmosphere in which children are assured and not scared, there are some special provisions within the POCSO Act, which are there to make the reporting as child-friendly as possible.

1. No Re-Traumatization in the Questioning: The Act requires that children should not be asked any question which would trigger any further emotional problems. Children will never be compelled to narrate the events of the abuse more than once unless it is completely needed. Rather, the recording of statement procedure is performed at an adequate, child-friendly place by trained persons in a trafficked comfortable atmosphere like separate room at police station or child welfare center. This also guarantees that the children will not have to re-experience whatever traumatized them, in the process of the investigations. The Suggestive questioning and intimidation are also not allowed under the POCSO Act and the victim is further safeguarded against unfair psychological trauma [17].

2. In-Camera Trials: POCSO Act also provides that trials in child sexual assault cases be made out of the hearing of other people (in-camera trials) in case the child has not yet completed his or her 18 th birthday, in order to avoid infringement of the privacy and dignity of the child. An in-camera trial is whereby those present in the court are closed and during the trial, only the legal professionals, the victim, and the required witnesses are the only people having a way in the court. This is to protect the child against the prying eyes of the society and publicity by the media in a way that the child will not get hurt even more than before by this process. It happened when the family friend sexually abused a young boy in Tamil Nadu. The process of in-camera trial was given to the boy during the case and this gave him the right of being able to testify without being seen by people and the media so that both his identity and his testimony were being suppressed. In-camera trials were effective because they made the boy feel safer, as a result of which his testimony could be obtained and contribute to the case without violating emotional security [18].

3. Inclusion of Support Persons: The POCSO Act entitles a child to join a support person throughout the process, be it the questioning by the police or the passing of the testimony at the court. This is usually an individual that the child might be confident in, which is a member of whatever family or a trained social worker, in order to offer some form of emotional support and to guarantee the well-being of a child all through the process. The POCSO Act simplifies the process of law and makes it less traumatic to children by eliminating the intimidating aspect of the trial in a courtroom setting and having a companion with whom the child has a sensible relationship [19].

Technological contribution to Reporting

Besides the physical provisions, the POCSO Act has also embedded technological provisions to ensure that reporting is made easy especially among the children who might not feel safe approaching the authorities physically and also those in the remote areas where the local authorities might be feared.

1. Helplines and Online Reporting Services: By the provisions of POCSO Act, there are helplines and online reporting services where a child can report the cases of abuse anonymously or consult the experts on their complaint procedures. Such an online reporting technique lowers the obstacles to children who are far away or are in such a scenario whereby they feel additional harm or revenge by the offender. In the case of Childline India Foundation, which is a 24 hour child helpline, children have proven to be very helpful in reporting child abuse anonymously both by telephone as well as through the internet. Children who live in isolated or abusive homes can also report the act without necessarily coming face to face with the offender or their family as there are online portals where victims



can air their grievance [20].

2. Digital Evidence Collection: Technology has also been in the help in collection of digital evidence in some instances. Digital forensics can also be involved in the investigation with the help of the POCSO Act, which means that any form of abuse, whether it is exploitation or cyberbullying, will be recorded in the digital realm. This is also especially important because the internet and social media are actively turning into the place where the child exploitation occurs [20].

POCSO Act, 2012 is of utmost essence to empower children about abuse reporting and making the legal procedure child-friendly as far as possible. The Act has provided an important precedence towards addressing the issue of child sexual abuse in India through its provisions which are more focused on the protection of the victims as well as their psychological well-being. It is easier and safer to initiate as children have the opportunity to come forward and seek justice, based on specialized training of the law enforcement and legal professionals, the implementation of child-friendly procedures, the presence of the technology they can use to report. Nonetheless, though these mechanisms are decisive, there is still a necessity to enhance the application of the POCSO Act further to overcome issues and loopholes in the reporting procedure. It can be believed that given the excuse to get back to purpose of prioritizing the empowerment of children and to see their voice being heard in a humane fashion without any semblance of insensitivity the POCSO Act can still progress forward as an efficient way of serving the protection and justice of children in India.

6. Conclusion

The POCSO act, 2012 is a major stride towards the prevention of sexual abuse among children in India yet chances of reporting are still high. Children are still not encouraged to come out because of social stigma and lack of awareness, fear of being punished and poor support mechanisms. Although the Act has legally empowered children, it should be revised by enhancing how the law enforcers are trained, more people need to be sensitized regarding the issue, as well as, better support systems to help the victims. The only way to achieve the eventuality of eradicating the hush-hush on child abuse and seeing the POCSO Act go full bore in covering and serving the interests of children and their feeling of empowerment throughout India is to maintain a constant level of focus on community engagement and education.

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