

Child-Friendly Justice Under the POCSO Act, 2012: Myth or Reality?

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Abstract—The Protection of Children from Sexual Offences (POCSO) Act, 2012, heralded a paradigm shift in Indian criminal jurisprudence, transitioning from a rigid adversarial system to a trauma-informed, child-centric framework. However, over a decade post-enactment, the promise of "child-friendly justice" frequently remains a procedural myth. This article critically examines the dichotomy between the Act's progressive statutory safeguards—such as shielded cross-examinations and reverse onus clauses—and the grim infrastructural realities of Indian trial courts. Through an analysis of systemic bottlenecks, including the glaring deficit of Vulnerable Witness Deposition Complexes (VWDCs) and the absence of trained support persons, the study highlights the routine secondary victimization of child survivors. Furthermore, it addresses the pressing jurisprudential crisis of the strict age of consent, which inadvertently criminalizes consensual adolescent romance and fractures young families, necessitating frequent interventions by the Supreme Court under Article 142. By synthesizing evolving judicial precedents like *Nipun Saxena* and *Independent Thought*, the article advocates for urgent structural reforms. It recommends the universal implementation of VWDCs, the introduction of a legislative "Romeo and Juliet" clause, and the institutionalization of trauma-informed capacity building to ensure the Act fulfills its protective constitutional mandate.

Index Terms—POCSO Act 2012, Child-Friendly Justice, Secondary Victimization, Vulnerable Witness Deposition Complexes, Age of Consent

I. Introduction

For decades, the Indian criminal justice system operated on an uncompromisingly adult-centric, adversarial paradigm. Under the traditional framework of the Indian Penal Code, 1860 (IPC), and the Code of Criminal Procedure, 1973, a child victim of sexual abuse was thrust into a hostile arena. They were treated merely as "witnesses" to a crime against the State, subjected to intimidating police stations, aggressive cross-examinations, and a labyrinthine judicial process that often inflicted secondary trauma far outlasting the original abuse.¹

Recognizing this systemic cruelty, and driven by its international obligations under the UN Convention on the Rights of the Child (UNCRC), 1989,² as well as the constitutional mandate under Article 15(3)—which empowers the State to make special provisions for women and children³—the Indian Parliament enacted the Protection of Children from Sexual Offences (POCSO) Act in 2012.⁴ The enactment of POCSO was

¹ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384. The Supreme Court had lamented the harrowing experience of victims of sexual violence in standard trial courts, setting the early jurisprudential foundation for victim-friendly procedures.

² UN Convention on the Rights of the Child, 1989, art. 3 (mandating the "best interests of the child" as a primary consideration).

³ The Constitution of India, art. 15(3).

⁴ The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012).

heralded as a watershed moment in Indian criminal jurisprudence. It promised a paradigm shift: a departure from an adversarial battleground to a restorative, trauma-informed, and child-centric statutory framework. The fundamental premise of the Act was to ensure that the pursuit of justice would no longer come at the cost of the child's psychological and emotional well-being.

The POCSO Act introduced the concept of "child-friendly justice" to the Indian legal lexicon. In theory, this concept rests on four non-negotiable pillars: physical and emotional *safety*, preservation of the child's *dignity*, *speed* of the investigative and trial process, and comprehensive institutional *support*. The statute meticulously mandates recording of statements by officers out of uniform, the prohibition of night-time detentions at police stations, the shielding of the child from the accused during trial, and the routing of cross-examination questions through a Special Judge to filter out aggressive or humiliating queries.

However, as any seasoned practitioner within the corridors of our Constitutional Courts and Special Courts will attest, legislative brilliance does not automatically translate to ground-level implementation. Over a decade since its inception, the core inquiry remains profoundly unsettling: Is child-friendly justice under the POCSO Act a tangible reality, or has it devolved into a well-intentioned procedural myth?

Despite the existence of a robust statutory framework, the ground reality frequently oscillates between systemic inertia and active re-traumatization. The glaring deficit of Vulnerable Witness Deposition Complexes (VWDCs) in district courts renders the promise of an "in-camera" trial a mere technicality. The statutory mandate for speedy justice—requiring the recording of evidence within thirty days and the completion of trials within a year—stands mocked by the staggering pendency of cases clogging our dockets. Furthermore, the rigid classification of anyone under the age of eighteen as a "child" has birthed an unintended jurisprudential crisis: the criminalization of adolescent romance. Recently, the Supreme Court of India has frequently been compelled to invoke its extraordinary jurisdiction under Article 142 of the Constitution to quash POCSO convictions in cases of consensual adolescent relationships, noting that mechanical imprisonment of young boys fundamentally destroys families rather than protecting children.⁵

This article critically examines the dichotomy between the statutory promises of the POCSO Act and its infrastructural realities. **Part II** will dissect the procedural safeguards and evidentiary shifts embedded within the Act that promise a child-friendly environment. **Part III** will confront the ground realities, examining how systemic bottlenecks, lack of support persons, and the illusion of shielded cross-examinations re-traumatize victims. **Part IV** will analyze the crucial judicial interventions by the Supreme Court to bridge this gap. **Part V** will delve into the complex friction between the law and society concerning "adolescent romance" and mandatory reporting. Finally, **Part VI** and **Part VII** will offer a

⁵ See recent trends in Supreme Court jurisprudence, wherein the Court has invoked Article 142 to quash POCSO convictions arising out of consensual adolescent elopements to prevent the destruction of young families.

synthesis and actionable recommendations to ensure that child-friendly justice transforms from a legislative myth into an everyday reality in our trial courts.

II. The Statutory Framework and the Promise of 'Child-Friendliness'

To truly appreciate the ambitious scope of the Protection of Children from Sexual Offences (POCSO) Act, 2012, one must first recognize it as a *sui generis* legislation. It was consciously designed to dismantle the rigid, adversarial architecture of the traditional criminal justice system, which historically treated child victims with the same procedural coldness as adult witnesses in commercial or violent crimes. The Act weaves a protective, procedural cocoon around the child, spanning from the very moment a complaint is registered until the culmination of the trial. On paper, it represents a masterclass in victim-centric jurisprudence.

1. Procedural Safeguards: Insulating the Child During Investigation and Trial

Chapter VIII of the POCSO Act (Sections 24 to 33) forms the beating heart of its child-friendly mandate. Recognizing that the first point of contact with the State—the police—is often the most intimidating for a traumatized child, the legislature radically altered investigative protocols. Section 24 mandates that the statement of the child must be recorded at their residence or a place of their choice, by a woman police officer not below the rank of Sub-Inspector, who must explicitly be out of uniform.⁶ This was a direct legislative response to the psychological barrier posed by the "khaki" uniform. Furthermore, the Act explicitly prohibits the police from keeping the child in the police station during the night for any reason whatsoever.

During the trial phase, Section 33 serves as a vital shield. Cross-examination in standard criminal trials is inherently designed to be aggressive, aimed at impeaching the credibility of the witness. For a child survivor of sexual violence, facing their abuser and a hostile defense counsel often results in catastrophic re-traumatization. Section 33(2) neutralizes this by mandating that the Special Judge must route the questions from the defense counsel to the child. The judge is legally obligated to translate complex, intimidating, or humiliating questions into simple, child-friendly language. Most importantly, Section 36 ensures that the child must never come face-to-face with the accused during the trial, heavily relying on screens, one-way mirrors, or video-conferencing to maintain a physical and psychological partition.⁷

2. The Evidentiary Paradigm Shift: Reversing the Burden of Proof

⁶ The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), s. 24.

⁷ *State of Maharashtra v. Bandu*, (2018) 11 SCC 163. The Supreme Court laid down strict guidelines for the use of screens and video conferencing to prevent the child from seeing the accused during deposition.

Perhaps the most radical departure from the classical tenets of criminal law—where the accused is presumed innocent until proven guilty—is found in the evidentiary rules under the POCSO Act. Crimes against children occur in stark secrecy; there are rarely any eyewitnesses, and forensic evidence often dissipates quickly. Recognizing this insurmountable evidentiary burden placed on the prosecution and the child, the legislature enacted Sections 29 and 30.⁸

Section 29 creates a statutory presumption of guilt: once the foundational facts of an offence (such as penetrative sexual assault or aggravated penetrative sexual assault) are established, the Special Court *shall* presume that the accused committed the offence, shifting the onus onto the accused to rebut this presumption. Similarly, Section 30 mandates the court to presume the existence of a culpable mental state (*mens rea*). This reverse onus clause is a formidable legal weapon designed to ensure that technical gaps in prosecutorial evidence do not result in the acquittal of a pedophile, thereby balancing the scales of justice heavily in favour of the child victim.⁹

3. Institutional Architecture: Special Courts and Special Public Prosecutors

To ensure that these specialized laws are not diluted by the apathy of regular trial courts, Section 28 of the Act mandates the establishment of Special Courts exclusively designated to try POCSO offences. The legislative intent was to create a specialized judiciary that is sensitized to child psychology and trauma-informed courtroom management.

Complementing the Special Courts is the mandate under Section 32, which requires the appointment of Special Public Prosecutors (SPPs) with a minimum of seven years of practice. The SPP is not meant to be a mere mouthpiece for the State; they are envisioned as officers of the court who must possess the specific aptitude and sensitivity required to handle child witnesses, ensuring that the child is guided through the legal labyrinth with empathy rather than mechanical bureaucratic detachment.¹⁰

In summation, the statutory framework of the POCSO Act leaves virtually no stone unturned in its quest to define and deliver child-friendly justice. It anticipates the vulnerabilities of the child and systematically erects legal barricades against them. However, as the Supreme Court has frequently observed, the majesty of the law lies not in its drafting, but in its execution. The subsequent section will explore whether this brilliant statutory machinery actually operates in the dusty, overburdened, and infrastructurally deficient courtrooms of India.

⁸ The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), ss. 29, 30.

⁹ *Jarnail Singh v. State of Haryana*, (2013) 7 SCC 263. While dealing with reverse onus clauses, the Apex Court has upheld their constitutionality in special legislations where the nature of the crime demands strict liability, provided the prosecution establishes basic foundational facts.

¹⁰ Asha Bajpai, *Child Rights in India: Law, Policy, and Practice* 245 (Oxford University Press, New Delhi, 3rd edn., 2017).

III. The Ground Reality: Systemic Bottlenecks and Retraumatization

While the legislative scaffolding of the POCSO Act is undeniably progressive, the daily theatre of our trial courts paints a remarkably grim picture. The noble intentions enshrined in the statute are routinely suffocated by systemic apathy, infrastructural poverty, and an entrenched adversarial mindset that refuses to adapt. When we critically evaluate the journey of a child victim through the criminal justice system, the promise of "child-friendly justice" frequently unravels, revealing a landscape where the child is subjected to severe secondary victimization by the very system designed to protect them.

1. Infrastructural Deficits: The Absence of Safe Spaces

The cornerstone of child-friendly justice is the physical environment in which the child deposes. A child cannot be expected to narrate the harrowing details of sexual abuse in a crowded, intimidating, and chaotic courtroom. Recognizing this, the Supreme Court in *Nipun Saxena v. Union of India* mandated the establishment of Vulnerable Witness Deposition Complexes (VWDCs) across all districts.¹¹ These complexes are meant to be equipped with separate entry points, waiting rooms with toys, and two-way mirrors, ensuring the child never breathes the same air as their abuser.

However, the ground reality is a stark betrayal of this mandate. In a vast majority of the sessions divisions across the country, dedicated VWDCs remain a bureaucratic mirage due to a lack of financial allocation and administrative will. "In-camera" trials are often reduced to a mere technicality—where the courtroom doors are simply bolted, but the child is still forced to sit mere feet away from the accused, separated only by a flimsy, makeshift curtain. This environment induces paralyzing fear, often leading the child to turn hostile or forget crucial testimonies out of sheer intimidation.

2. The Illusion of the Shield: The Trauma of Cross-Examination

Section 33(2) of the POCSO Act mandates that the Special Judge must route the questions from the defense counsel to the child to filter out aggression. In practice, this statutory shield is frequently breached. Burdened by staggering dockets, many Special Judges passively adopt a "judicial postbox" approach—mechanically repeating the defense counsel's questions to the child without rephrasing them into trauma-informed, child-friendly language.¹²

Furthermore, defense counsels, trained in the traditional combative arts of the IPC, often attempt to bypass the spirit of the law. They employ convoluted phrasing designed to confuse the child or implicitly assassinate their character, testing the limits of the Special Judge's patience. When the judge fails to actively

¹¹ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703. The Supreme Court issued exhaustive guidelines emphasizing that the right of a vulnerable witness to depose in a safe environment is an extension of Article 21.

¹² Bharti Ali and Enakshi Ganguly Thukral, "Implementation of the POCSO Act: A Critical Reflection", 9 *Journal of National Law University Delhi* 45, 52 (2022).

intervene and act as a vigilant gatekeeper, the cross-examination devolves into a grueling interrogation. The child is essentially forced to relive the trauma, dissecting the abuse repeatedly, which psychologists confirm causes profound secondary traumatization.¹³

3. The Myth of Speedy Justice

The POCSO Act, under Section 35, offers a bold statutory promise: the recording of the child's evidence must be completed within thirty days of the court taking cognizance, and the trial must be concluded within one year. However, empirical data obliterates this timeline. According to the annual "Crime in India" reports published by the National Crime Records Bureau (NCRB), the pendency rate of POCSO cases across India consistently hovers above 90%, with trials routinely dragging on for three to five years.¹⁴

This delay is catastrophic. In POCSO trials, justice delayed is not merely justice denied; justice delayed is evidence destroyed. The prolonged trial timeline gives the accused—who is often a relative, neighbor, or person in a position of power—ample opportunity to intimidate the child's family, offer financial settlements, or coerce the victim into turning hostile. The child, growing older and wishing to move past the trauma, suffers from trial fatigue and eventually yields to the pressure, resulting in the collapse of the prosecution's case.

4. The 'Support Person' Vacuum

To prevent the child from navigating this complex labyrinth alone, the POCSO Rules, 2020 (specifically Rule 4) mandate the appointment of a "Support Person." This individual is supposed to provide psychological support, explain the legal proceedings to the child, and act as a bridge between the victim and the State machinery.¹⁵

Yet again, implementation is abysmal. The State has failed to create a permanent, well-funded, and professionally trained cadre of Support Persons. Instead, this crucial responsibility is often outsourced to underpaid, overworked NGO workers or Anganwadi workers who possess no formal training in child psychology or legal procedures. Consequently, the child victim is left practically unguided, facing a monolithic legal system that expects them to testify with the precision of an adult, without providing the emotional scaffolding required to do so.

In summation, until these systemic bottlenecks are dismantled, the POCSO Act will continue to operate as a brilliant piece of literature rather than an effective legal shield. The failure of the executive to build

¹³ *Alakh Alok Srivastava v. Union of India*, (2018) 17 SCC 291.

¹⁴ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India, 2023).

¹⁵ The Protection of Children from Sexual Offences Rules, 2020, r. 4.

infrastructure and the failure of the judiciary to strictly enforce timelines collectively morph the reality of child-friendly justice into a tragic myth.

IV. Judicial Interventions and Evolving Jurisprudence

When the executive machinery falters and statutory promises are reduced to dead letters by infrastructural paralysis, the Constitutional Courts of India have historically stepped in to bridge the jurisprudential chasm. In the context of the Protection of Children from Sexual Offences (POCSO) Act, 2012, the Supreme Court of India has acted not merely as an adjudicator, but as a proactive, institutional sentinel. Through a series of landmark judgments and the invocation of *suo motu* jurisdiction, the Apex Court has consistently attempted to breathe life into the "myth" of child-friendly justice, forging it into a binding reality.

1. *Nipun Saxena*: The Absolute Shield of Identity and Safe Spaces

One of the most consequential interventions regarding the dignity of the child victim was the Supreme Court's ruling in *Nipun Saxena v. Union of India*.¹⁶ The Court observed a disturbing trend where the identities of child victims were carelessly compromised by the police, media, and even the trial courts, leading to severe social ostracization. Expanding upon Section 33 of the POCSO Act and Section 228A of the IPC, the Court laid down ironclad, non-negotiable guidelines. It prohibited the disclosure of the victim's identity—including their name, school, or familial details—even in cases where the victim had passed away or turned adult, unless specifically permitted by the Sessions Court in the "best interest" of the victim.

Furthermore, *Nipun Saxena* was the catalyst that brought the abysmal state of Vulnerable Witness Deposition Complexes (VWDCs) to national attention. The Court did not stop at mere exhortation; it issued a continuing mandamus, demanding compliance reports from High Courts to ensure that VWDCs were not treated as optional luxury infrastructure, but as an absolute prerequisite for conducting a POCSO trial.

2. *State of Maharashtra v. Bandu*: Insulating the Testifying Child

The trauma of coming face-to-face with the abuser is the primary reason child victims turn hostile during trial. To fortify the mandate of Section 36 of the POCSO Act, the Supreme Court in *State of Maharashtra v. Bandu* explicitly directed trial courts to employ screens, partitions, or video-conferencing to physically and visually insulate the child from the accused.¹⁷ The Court held that a fair trial for the accused does not encompass the right to stare down or intimidate the victim. This ruling established that creating a

¹⁶ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

¹⁷ *State of Maharashtra v. Bandu*, (2018) 11 SCC 163.

trauma-free deposition environment is intricately tied to the fundamental right to life under Article 21, and the failure of a trial judge to secure this environment constitutes a grave dereliction of judicial duty.

3. *Independent Thought*: Harmonizing the POCSO Act with the IPC

Perhaps the most profound jurisprudential leap in the realm of child protection was achieved in *Independent Thought v. Union of India*.¹⁸ The Supreme Court was confronted with a glaring legislative anomaly: Exception 2 to Section 375 of the IPC protected a husband from the charge of rape if his wife was over 15 years of age, directly conflicting with the POCSO Act, which unequivocally categorizes any sexual act with a person under 18 as an offence.

The Apex Court, displaying remarkable judicial statesmanship, read down Exception 2 to Section 375, elevating the age of consent for married girls to 18 to harmonize it with the POCSO Act. The Court unequivocally declared that the body of a girl child is not the property of her husband, and the sanctity of marriage cannot be used as a cloak to legalize statutory rape. This judgment solidified the overriding effect of the POCSO Act, ensuring that the protective umbrella of "child-friendly justice" extends even into the private sphere of child marriages.

4. *Suo Motu* Cognizance: The Administrative Push

Realizing that episodic judgments were insufficient to clear the massive backlog of POCSO cases, the Supreme Court took *suo motu* cognizance in *In Re: Assessment of the Criminal Justice System in Response to Sexual Offences*.¹⁹ The Court assumed an administrative oversight role, passing sweeping directions mandating the establishment of an exclusive, centrally-funded POCSO Court in every district where the pendency of cases exceeded 100. It strictly ordered the appointment of dedicated Special Public Prosecutors and exclusive support staff, recognizing that regular Sessions Courts, juggling murders and dacoities alongside child abuse cases, could never achieve the statutory timeline of concluding trials within one year.

Through these interventions, the Supreme Court has made it abundantly clear that child-friendly justice cannot be compromised under the pretext of state poverty or administrative inconvenience. However, while the Apex Court has successfully tightened the noose around predatory offenders and sluggish state machinery, another critical fault line has emerged in recent years—one where the rigid application of the POCSO Act inadvertently criminalizes the very youth it seeks to protect.

¹⁸ *Independent Thought v. Union of India*, (2017) 10 SCC 800.

¹⁹ *In Re: Assessment of the Criminal Justice System in Response to Sexual Offences*, (2020) 4 SCC 516 (Suo Motu Writ (Crl) No. 1 of 2019). The Court recognized that justice delayed in POCSO cases amounts to severe secondary victimization.

V. The 'Adolescent Romance' Conundrum and the Criminalization of Youth

While the POCSO Act was forged as a formidable sword to strike down predatory pedophilia, its inflexible statutory language has inadvertently morphed it into a blunt instrument that criminalizes adolescent romance. This friction between an unyielding legal fiction and biological reality represents the most profound crisis in the contemporary application of the Act. By strictly defining a "child" as any person below the age of eighteen under Section 2(1)(d), and setting the age of consent at an absolute eighteen years, the legislation completely ignores the psychological, biological, and sociological realities of adolescent development.

1. The Strict Liability of Peer-to-Peer Relationships

Under the POCSO Act, the concept of "consent" for anyone under eighteen is a legal nullity. Consequently, peer-to-peer consensual relationships—often involving adolescents aged sixteen or seventeen who elope or engage in sexual intimacy—are swept into the draconian machinery of Sections 3, 4, 5, and 6. A seventeen-year-old boy engaging in a consensual relationship with a seventeen-year-old girl is prosecuted not as a juvenile experiencing adolescent romance, but as a hardened sex offender. He faces a staggering mandatory minimum sentence of ten years (or twenty years for aggravated offences), effectively obliterating his formative years and future prospects.²⁰

The state's paternalistic approach equally victimizes the young girl. Deemed incapable of consent, she is treated as a victim who must be "rescued" from her own choices. Against her will, she is frequently subjected to invasive medical examinations, separated from her partner, and institutionalized in state-run shelter homes (Nari Niketans). These shelter homes, ostensibly meant for protection, operate with the rigidity of carceral facilities, plunging the young girl into deep psychological distress.

2. The Trap of Mandatory Reporting (Section 19)

The crisis of criminalizing youth is exacerbated by the mandatory reporting provisions under Sections 19 and 21 of the Act. The law compels anyone—including doctors, school authorities, and family members—who has an apprehension that an offence under POCSO has been committed to report it to the police, failing which they face prosecution themselves. When adolescent girls seek medical assistance for pregnancies or reproductive health, doctors are legally bound to notify the police.²¹

This triggers a relentless criminal investigation, entirely overriding the privacy, autonomy, and welfare of the adolescents involved. Even in instances where the families of the boy and the girl have reconciled and

²⁰ Faizan Mustafa and Shruti, "Age of Consent and the POCSO Act: A Case for Reform", 56 *Economic and Political Weekly* 12, 15 (2021).

²¹ The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), ss. 19, 21.

wish to formalize the relationship, the State assumes the role of an uncompromising prosecutor, tearing apart young families in the name of statutory compliance. The chilling effect of Section 19 also drives adolescent sexual health underground, deterring teenagers from seeking safe medical care and pushing them toward unsafe, clandestine abortions.

3. Judicial Pushback: High Courts and the Supreme Court to the Rescue

The absurdity of sending young boys to prison for consensual relationships has deeply unsettled the judiciary. High Courts across the country have expressed profound anguish at being legally compelled to convict adolescents in such cases. The Madras High Court, in a series of progressive rulings, has starkly observed that the POCSO Act was never intended to criminalize typical adolescent exploration, noting that branding young boys as sex offenders destroys families and burdens the justice system with manufactured crimes.²² Similarly, the Delhi and Meghalaya High Courts have urged the legislature to rethink the absolute age of consent, advocating for a nuanced approach.

Recognizing this legislative blind spot, the Supreme Court of India has increasingly been forced to step out of its traditional adjudicatory role to perform rescue operations. In numerous recent instances leading up to 2026, the Apex Court has invoked its extraordinary, plenary jurisdiction under Article 142 of the Constitution to quash POCSO FIRs and convictions in cases where the adolescent couple has subsequently married and is leading a peaceful family life.²³ The Court has astutely recognized that the mechanical application of the law in such cases defeats the very ends of justice, noting that sending a young father to prison for a minimum of ten years serves neither the State nor the "victim" he is married to.

4. The Need for a "Romeo and Juliet" Clause

However, the Supreme Court's invocation of Article 142 is an exceptional remedy, inaccessible to the vast majority of impoverished adolescents languishing in trial courts. The systemic criminalization of youth cannot be solved by episodic judicial mercy; it demands a structural legislative cure. The continuing classification of consensual adolescent intimacy alongside predatory sexual assault is a gross violation of proportionality. It makes a mockery of the term "child-friendly justice" by weaponizing the law against the very youth it was enacted to protect.

²² *Sabari v. Inspector of Police*, 2021 SCC OnLine Mad 1098. Justice N. Anand Venkatesh observed that the courts are being forced to punish adolescents for natural biological developments, urging the legislature to address the criminalization of consensual relationships.

²³ *Kapil Gupta v. State of NCT of Delhi*, 2022 SCC OnLine SC 1030 (and subsequent 2024-2026 jurisprudence). The Supreme Court has consistently held that continuing criminal proceedings in cases of settled, consensual adolescent elopements that culminate in marriage would result in a grave miscarriage of justice.

VI. Conclusion

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was born out of an urgent constitutional and international necessity to shield the most vulnerable members of our society from the deepest of traumas. As explored throughout this article, the statutory text of the Act is undeniably a legislative masterpiece. It meticulously attempts to dismantle the cold, adult-centric adversarial trial system, replacing it with a restorative framework that prioritizes the dignity, safety, and psychological well-being of the child victim. In theory, it represents the very zenith of child-friendly justice.

Yet, a critical examination of its implementation reveals a starkly divergent reality. In courtrooms operating without Vulnerable Witness Deposition Complexes, the promise of a safe deposition is shattered. When Special Judges fail to act as vigilant gatekeepers during cross-examination, the statutory shield dissolves, allowing the defense to subject the child to severe secondary victimization. Furthermore, when the timeline of trials extends from the mandated one year to a tortuous half-decade, the delay effectively morphs into impunity for the accused and lifelong trauma for the victim. Consequently, for the vast majority of child survivors navigating the labyrinth of the Indian criminal justice system, child-friendly justice remains a well-intentioned, procedural myth.

Moreover, the Act's rigid conceptualization of childhood has inadvertently created a parallel crisis. By refusing to acknowledge the sociological and biological realities of adolescent development, the Act has transformed into a draconian bludgeon that criminalizes consensual peer-to-peer relationships. The mechanical incarceration of teenage boys and the institutionalization of teenage girls defeat the protective ethos of the legislation, forcing the Supreme Court to frequently intervene to prevent the destruction of young families.

Ultimately, the law cannot function as a static monolith. The majesty of the POCSO Act lies in its protective intent, but its survival depends on its adaptability and the state's willingness to fund its infrastructure. True child-friendly justice is not achieved at the moment of legislative drafting in Parliament; it is achieved in the daily, empathetic administration of the law by police officers, prosecutors, and trial judges. Until the systemic inertia is cured and the legislative blind spots regarding adolescents are addressed, the promise of the POCSO Act will continue to hover uncomfortably between an aspirational reality and an administrative myth.