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## **IMPLEMENTATION OF THE POCSO ACT IN KARNATAKA: A CRITICAL REVIEW OF CHALLENGES AND INSTITUTIONAL RESPONSE**

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### **Abstract**

Child sexual abuse remains one of the most underreported and traumatic crimes affecting children in India. In response to rising cases and legal inadequacies, the Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted to provide a child-friendly, gender-neutral, and comprehensive legal framework. This review-based article critically examines the implementation of the POCSO Act in Karnataka—a state that has reported a consistent increase in child sexual abuse cases over the past decade. Drawing on data from the National Crime Records Bureau (NCRB), Karnataka State Police, judicial reports, and secondary literature, the article highlights the strengths and shortcomings of the institutional response.

Findings reveal that despite the establishment of Special POCSO Courts and various administrative reforms, Karnataka continues to face systemic challenges such as infrastructural limitations, delayed investigations, low conviction rates, and inadequate support services for survivors. Additional hurdles include secondary victimization, social stigma, and poor inter-agency coordination. The article offers policy recommendations to address these issues through improved institutional capacity, faster trial mechanisms, enhanced training, and child-sensitive court practices. This review underscores the urgent need for structural reforms and sustained investment in child protection systems to ensure justice and healing for survivors of sexual abuse in Karnataka and beyond.

**Keywords:** POCSO Act, Child Sexual Abuse, Karnataka, Child Protection, Institutional Challenges, Special Courts, NCRB Data, Victim Support, Judicial Response.

### **1. Introduction**

Child sexual abuse (CSA) is a pervasive and deeply entrenched social issue in India, cutting across caste, class, religion, and geography. The National Crime Records Bureau (NCRB) data consistently reveal a disturbing increase in cases of child sexual offences. In 2023 alone, India reported over 65,000 cases under the Protection of Children from Sexual Offences (POCSO) Act, accounting for more than 90% of all sexual offences against children (NCRB, 2023). These figures only reflect reported cases, with many instances remaining unreported due to fear, social stigma, and lack of institutional support. CSA has severe and long-lasting consequences for children, including trauma, mental health disorders, and disrupted education and development.

#### **1.1 Rationale for Enacting the POCSO Act, 2012**

Prior to 2012, India lacked a comprehensive legal framework to address the full spectrum of sexual offences against children. Existing provisions under the Indian Penal Code (IPC) were gender-specific, vague, and inadequate in ensuring justice for child survivors. To bridge this legal vacuum, the Government of India enacted the Protection of Children from Sexual Offences (POCSO) Act in 2012. The Act defines a wide range of offences, introduces child-friendly procedures for investigation and trial, and mandates the establishment of Special Courts to expedite the judicial process. It also recognizes



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the evolving nature of abuse, including online exploitation, and emphasizes the best interest of the child as the guiding principle throughout the legal process.

## 1.2 Importance of Studying Implementation in Karnataka

Karnataka, a southern Indian state with a relatively strong administrative infrastructure and high literacy rates, has seen a significant rise in reported cases under the POCSO Act. According to the NCRB (2023), Karnataka consistently ranks among the top ten states in terms of reported child sexual offences. Despite the robust legal framework, the ground-level implementation of the Act faces several challenges, including delays in investigation, poor coordination among child protection institutions, limited awareness, and inadequate infrastructure in Special Courts. Studying the implementation in Karnataka not only reveals state-specific bottlenecks but also offers insights into systemic challenges affecting other Indian states. Furthermore, Karnataka's experience can inform policy reforms and institutional improvements at both the state and national levels.

## 1.3 Research Questions

This article critically reviews the implementation of the POCSO Act in Karnataka, with the objective of identifying key challenges and assessing the effectiveness of institutional responses. The central questions guiding this review are:

- How effectively has the POCSO Act been implemented in Karnataka since its enactment?
- What are the major institutional, procedural, and socio-cultural barriers affecting its implementation?
- What role have Special Courts, the police, NGOs, and other stakeholders played in ensuring child protection?
- What policy recommendations can be made to improve the implementation of the Act in Karnataka?

## 2. Objectives of the Study

The study is designed to critically assess the real-world implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012 in Karnataka. It aims to examine institutional performance, legal procedures, and systemic bottlenecks in delivering justice to survivors of child sexual abuse. The specific objectives are:

1. To assess the extent and pattern of reported child sexual abuse cases under the POCSO Act in Karnataka.
2. To analyze the effectiveness of law enforcement, judiciary, and child protection institutions in implementing the Act.
3. To identify major challenges in the investigation, prosecution, and adjudication of POCSO cases.
4. To evaluate the role of support mechanisms such as Special Courts, Child Welfare Committees (CWCs), NGOs, and rehabilitation services.
5. To offer policy and institutional recommendations for improving the implementation of the POCSO Act in Karnataka.

## 3. Methodology

This study adopts a review-based qualitative approach supported by descriptive statistics to critically examine the implementation of the POCSO Act in Karnataka. The methodology includes the following components:

**3.1 Nature of Study:** Review-based and analytical in nature, relying on secondary data sources. Focus on critical appraisal of policy documents, government reports, and empirical studies.

### 3.2 Sources of Data

- Government Reports: NCRB Crime in India reports (2015–2023), Karnataka State Police data, Ministry of Women and Child Development.



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- Judicial Records: Reports from Karnataka State Legal Services Authority (KSLSA), data from Special POCSO Courts.
- Academic Literature: Peer-reviewed journal articles, law reviews, and legal commentaries.
- NGO Reports: Documents and white papers from child rights organizations like CRY, Save the Children, and Bachpan Bachao Andolan.
- News and Media: Coverage of landmark cases and implementation challenges in Karnataka.

## 4. Legal and Policy Framework

### 4.1 Overview of the POCSO Act, 2012

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enacted by the Government of India as a special law to address the rising incidence and complex nature of child sexual abuse. The Act defines a “child” as any person below the age of 18 years and criminalizes a wide range of sexual offences including penetrative and non-penetrative sexual assault, sexual harassment, and the use of children for pornography. One of the landmark features of the Act is its gender-neutral nature, protecting both male and female children.

#### The POCSO Act mandates:

- Establishment of Special POCSO Courts for speedy trials (Section 28).
- Mandatory reporting of offences by any person or institution (Section 19).
- Recording statements of the child in a child-friendly manner (Section 24).
- Completion of trial within one year from the date of cognizance (Section 35).
- Provision of free legal aid, interim compensation, and support persons for the child (Rule 7, POCSO Rules 2020).

The POCSO Rules, amended in 2020, further emphasize the need for rehabilitation, psychological support, and regular training of stakeholders such as police, prosecutors, and judiciary.

### 4.2 Roles of Police, Judiciary, NGOs, and State Agencies

The effective implementation of the POCSO Act depends on the coordinated functioning of several institutions:

- **Police:** Serve as the first point of contact for survivors and are mandated to register FIRs promptly, record statements in a child-friendly manner, and conduct investigations within stipulated timelines. Karnataka Police have created dedicated Child-Friendly Police Stations in select districts to improve trust and access.
- **Judiciary:** Special POCSO Courts are designated in each district to ensure child-sensitive and expedited hearings. However, in practice, many such courts face infrastructural and procedural limitations.
- **Child Welfare Committees (CWCs) and District Child Protection Units (DCPUs):** These bodies play a crucial role in providing care, shelter, and psychosocial support to survivors. They also facilitate the appointment of support persons and ensure that children are not retraumatized during the legal process.
- **NGOs and Civil Society Organizations:** Organizations like Enfold Proactive Health Trust, BOSCO, and Childline India Foundation provide legal aid, counseling, training to stakeholders, and awareness programs at the community level.
- **State Agencies:** The **Karnataka Department of Women and Child Development (DWCD)** is responsible for coordinating inter-departmental services, ensuring the functioning of One-Stop Centres (OSCs), and providing rehabilitation and reintegration support under the POCSO framework.

### 4.3 State-Level Policy Adaptations in Karnataka

Karnataka has adopted several progressive measures to localize the objectives of the POCSO Act:

- **Establishment of Child-Friendly Special Courts:** Karnataka High Court has issued directions to create courtrooms with child-friendly spaces, separate waiting areas, and video conferencing facilities.



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- **State Child Protection Policy (2016):** Although not legally binding, the policy provides a framework for institutions to create safe environments for children. It emphasizes prevention, early identification, and response to child sexual abuse.
- **Integration with State Legal Services Authority (KSLSA):** Free legal aid and victim compensation schemes under the Victim Compensation Fund are operationalized in collaboration with KSLSA.
- **Training and Capacity Building Initiatives:** Karnataka Judicial Academy, Karnataka Police Academy, and NGOs conduct training for police officers, prosecutors, and judges on the nuances of the POCSO Act and child-sensitive procedures.

Despite these advancements, the ground reality remains uneven due to budgetary constraints, lack of trained personnel, and varying levels of institutional responsiveness across districts.

## 5.1 Overview of Implementation Mechanisms

The implementation of the POCSO Act in Karnataka is carried out through a multi-tiered institutional structure involving the judiciary, police, Child Welfare Committees (CWCs), Special POCSO Courts, and the Department of Women and Child Development (DWCD). While the Act provides a robust legal framework, actual enforcement is influenced by infrastructural adequacy, capacity of human resources, and inter-agency coordination. Karnataka has made visible strides in setting up Special Courts and conducting stakeholder training. However, the state continues to face challenges related to case backlogs, delayed investigations, and lack of victim-friendly environments.

**Table 01: Key Statistics on Implementation (Karnataka)**

Year	Reported POCSO Cases	Convictions	Conviction Rate (%)	Pendency (%)	Average Time for Disposal (Days)
2019	3,860	712	26.3%	78%	348
2020	3,428	638	28.1%	80%	367
2021	3,901	729	25.7%	81%	384
2022	4,156	762	24.5%	83%	400
2023	4,385	795	22.9%	85%	421

**Source:** National Crime Records Bureau (2019–2023); Karnataka State Police Department Reports. (The data, largely derived from the *National Crime Records Bureau (NCRB)* and Karnataka High Court reports, reflect the implementation status from 2019 to 2023).

### Observations:

- **Reported cases** have steadily increased, indicating both rising awareness and incidence.
- **Conviction rates** remain low (22–28%), often due to evidentiary issues, hostile witnesses, and procedural delays.
- **Case pendency** has grown, with over **85%** of trials pending as of 2023.
- **Average trial duration** exceeds the one-year limit stipulated by the POCSO Act.

## 5.2 Functioning of Special POCSO Courts

As per the Karnataka High Court, there are 31 functional Special POCSO Courts, one in each district. However, challenges persist:

- **Inadequate infrastructure:** Many courts lack child-friendly facilities like separate waiting areas, video conferencing for in-camera trials, and trained child psychologists.
- **Workload burden:** Special Courts often handle other criminal cases alongside POCSO cases, reducing efficiency.
- **Lack of trained judicial officers:** Only a limited number of judges have undergone specialized training in child rights and trauma-informed practices.

Despite Supreme Court directions (e.g., *Alakh Alok Srivastava v. Union of India*, 2019) to expedite child abuse trials, the actual pace remains slow due to institutional constraints.





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### 5.3 Role of Karnataka Police

The Karnataka Police Department has taken certain progressive steps:

- Establishment of Child-Friendly Police Stations in Bengaluru, Kalaburagi, Ballari, and a few other districts.
- Creation of specialized units within the Criminal Investigation Department (CID) to handle POCSO-related investigations.
- Regular training workshops in collaboration with NGOs and UNICEF for police personnel to handle child victims sensitively.

#### Challenges:

- Lack of uniform sensitization at lower police levels.
- Delays in completing investigations within the statutory 60-day period.
- Inadequate female personnel in investigation teams.

### 5.4 Role of the Women & Child Development Department (WCD), Karnataka

The Department of WCD plays a crucial role in coordinating support services for POCSO survivors:

- Manages One-Stop Centres (Sakhi Centres) in 30 districts offering legal aid, counseling, and medical services.
- Operates Shelter Homes and Rehabilitation Centres under schemes like *Ujjwala* and *Swadhar Greh*.
- Supports the appointment of Support Persons as per POCSO Rules, to assist children during investigations and trials.

**Table 02: Functioning Status of Special POCSO Courts – Karnataka**

Indicator	Number / Status
Designated Special POCSO Courts	31 (one in each district)
Exclusive Fast-Track Courts in Bengaluru	5
Court Pendency (exclusive POCSO courts, Oct 2024)	3,643 cases
Major Issues	Shared workload, limited infrastructure, judge vacancies

### 5.5 Comparison – Karnataka vs. National Average POCSO Reporting Rate

Karnataka reports per lakh children are among the top quartile nationally, with ~41.3 crimes against children per lakh population in 2022 (highest proportion under POCSO). National averages are lower across states.

**Table 3: Trends in Reported vs. Disposed (Charge-sheeted/Disposed) Cases in Bengaluru (2020–2024)**

Year	Registered Cases	Charge-sheeted Cases	Disposed Cases	Disposal Rate
2020	286	243	201	82%
2021	401	231	195	84%
2022	482	377	307	81%
2023	592	274	117	43%
2024 (till June 30)	298	216	15	7%

Source: Bengaluru district court and police data report-2024.

#### Interpretation & Summary

- **Increasing trends:** Karnataka has seen a consistent year-on-year increase in POCSO case registrations from 2020–24—a 85% rise over four years.
- **Pendency remains high:** As of October 2024, over 3,600 cases remain pending in exclusive POCSO courts, despite designated courts in all districts.



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- **Conviction rates are alarmingly low:** In Belagavi, convictions ranged from ~1% to under 10% despite significant case loads. In Bengaluru, disposal rates sank from 82-84% in early years to just 7% by mid-2024.
- **Court capacity gaps:** Though each district has a designated Special POCSO Court, resource and administrative constraints limit their effectiveness.

## 6. Challenges in Implementation

Despite a well-intentioned and comprehensive legislative framework, the implementation of the POCSO Act in Karnataka faces a multitude of systemic, institutional, and socio-cultural barriers. These challenges limit the Act's effectiveness in ensuring justice for survivors and preventing child sexual abuse.

**6.1 Institutional Challenges:** One of the most pressing issues is the lack of coordination between key stakeholders, including the police, judiciary, child protection units, and NGOs. While each actor plays a critical role under the Act, weak inter-agency collaboration leads to procedural lapses, duplication of efforts, and delays. For instance, Child Welfare Committees (CWCs) are often not informed promptly when a POCSO case is registered, affecting timely psychosocial support. Furthermore, infrastructural limitations such as lack of child-friendly spaces in police stations and courts create an intimidating environment for survivors.

**6.2 Delays in Trial and Investigation :** The POCSO Act mandates that investigations be completed within 60 days and trials within one year. However, in Karnataka, case pendency exceeds 80%, and average trial durations often extend to over 12 months. Delays arise from inadequate investigative staff, case overload in Special Courts, and frequent adjournments. In many districts, courts designated under POCSO also hear other criminal matters, further diluting focus and efficiency.

**7.3 Lack of Trained Personnel:** Effective implementation of the Act requires police officers, judicial officials, prosecutors, and social workers trained in child psychology and gender sensitivity. However, capacity-building efforts remain inconsistent across Karnataka. Many frontline personnel are unaware of child-sensitive procedures such as recording statements in non-threatening environments, leading to revictimization and poor case outcomes. The shortage of female police officers and counselors also affects the quality of support extended to child survivors.

**7.4 Secondary Victimization of Survivors:** Survivors of sexual abuse often experience secondary victimization through intrusive questioning, insensitive handling by police, and repeated court appearances. In some instances, children are even forced to confront the accused during trial due to lack of video conferencing or in-camera facilities. Moreover, survivors are rarely informed about the progress of their cases or about the availability of compensation, legal aid, and rehabilitation services, undermining their trust in the justice system.

**7.5 Social Stigma and Underreporting:** Societal attitudes toward child sexual abuse continue to be marked by shame, silence, and denial. Families often choose to suppress incidents due to fear of social ostracism or threats from perpetrators—especially when the offender is known to the child, as is the case in a majority of POCSO cases. This leads to widespread underreporting, particularly in rural and semi-urban areas. Furthermore, myths and misinformation about the legal process deter families from approaching the police.

**7.6 Budgetary and Administrative Hurdles:** Though the central government funds schemes like the Fast Track Special Court (FTSC) scheme for POCSO, utilization of funds at the state level remains suboptimal. Delays in fund disbursal, bureaucratic red tape, and lack of dedicated budgets for child-friendly infrastructure have affected the timely establishment and functioning of Special Courts. In Karnataka, there have also been complaints of delayed compensation payments to survivors under the Victim Compensation Scheme.

The challenges to POCSO implementation in Karnataka are deeply rooted in structural weaknesses and socio-cultural barriers. While laws exist on paper, their practical enforcement is compromised by delayed justice, underprepared



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institutions, and societal apathy. A multidimensional response—focusing on systemic reform, community education, and institutional accountability—is necessary to address these persistent hurdles.

## 8. Recommendations

Based on the analysis of challenges in Karnataka's implementation of the POCSO Act, the following recommendations are proposed to strengthen child protection mechanisms and ensure effective justice delivery:

### 8.1 Strengthening Institutional Capacity

- Allocate dedicated resources for the exclusive functioning of Special POCSO Courts.
- Upgrade infrastructure to include child-friendly courtrooms, separate witness rooms, and video conferencing for in-camera testimony.
- Increase staffing in District Child Protection Units (DCPUs), CWCs, and forensic labs to ensure timely intervention and evidence processing.

### 8.2 Training and Sensitization Programs

- Conduct regular and mandatory training for police, prosecutors, judges, and social workers on child rights, trauma-informed care, and provisions of the POCSO Act.
- Develop standardized training modules in partnership with NGOs and child rights commissions to ensure consistency across districts.

### 8.3 Promoting Child-Friendly Court Processes

- Ensure the presence of support persons or counselors during the child's testimony and interaction with legal authorities.
- Minimize re-traumatization by reducing the number of times a child has to appear in court.
- Follow age-appropriate communication techniques and privacy safeguards during judicial proceedings.

### 8.4 Faster Case Disposal Mechanisms

- Enforce the one-year trial completion timeline more strictly through monthly case reviews by judicial supervisory bodies.
- Set up mobile courts or exclusive fast-track benches in high-case-load districts to clear pending POCSO trials.
- Employ technology-based tracking systems to monitor the progress of each case.

### 8.5 Improved Inter-Agency Coordination

- Create an integrated response protocol involving police, DCPUs, CWCs, judiciary, and health departments for coordinated action.
- Establish district-level task forces to monitor POCSO implementation and address institutional bottlenecks in real time.
- Enhance data-sharing mechanisms among stakeholders while safeguarding child privacy and dignity.

## Conclusion

The implementation of the POCSO Act in Karnataka reflects both the strengths of a progressive legal framework and the weaknesses of systemic execution. While the state has taken commendable steps—such as establishing Special Courts and initiating police sensitization programs—the real-time justice outcomes continue to suffer due to delays, infrastructural gaps, and institutional inefficiencies. Conviction rates remain low, and high pendency continues to deny justice to survivors. The secondary victimization of children and the underreporting of cases due to social stigma highlight the broader cultural and systemic challenges that must be addressed urgently.

To move from compliance to commitment, Karnataka must invest in institutional reforms, create truly child-sensitive environments, and ensure that every stakeholder—from the police to the judiciary—prioritizes the best interests



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of the child. Urgent and coordinated action is essential to uphold the spirit of the POCSO Act and secure a safer future for every child.

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