ISSN- 0301-1216
Indian J. Prev. Soc. Med. Vol. 57, No.1, 2026

REVIEW ARTICLE:

Protection of Children from Sexual Offences (POCSO) Act in Jammu and Kashmir – An Overview

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ABSTRACT

The Protection of Children from Sexual Offences (POCSO) Act, enacted in 2012, is a significant law in India aimed at protecting children from sexual abuse, exploitation, and pornography. This Act offers a strong legal framework to address sexual crimes against children and ensures they receive protection and justice. Jammu and Kashmir (J&K) has implemented the POCSO Act with specific adjustments and challenges due to its unique socio-political context. After the abrogation of Article 370 in August 2019, the Act became fully applicable in the Union Territory, affecting reporting trends and how cases are processed in courts.

Keywords: POCSO Act, Child Sexual Abuse, Jammu and Kashmir

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Citation: Deva P Pusham. I., Vashit S., Singh S., Frank JC. Protection of Children from Sexual Offences (POCSO) Act in Jammu and Kashmir – An Overview Indian J Prev Soc Med, 2026; 57 (1): **84-86**. **DOI: https://doi.org/ 10.67212/ijpsm.v57i1.170**

Sequence of Article: **Submission** 08.10.2025 **Accepted:** 22.01.2026 **Published:** 31.03.2026

Prior Publication: Nil; Source of Funding: Nil; Conflicts of Interest: None, Article # 735/1460

Introduction

Background of the POCSO Act : The POCSO Act defines a child as anyone under 18 years and includes a broad range of sexual offences, such as penetrative and non-penetrative assault, sexual harassment, and pornography[1]. The Act imposes strict penalties, including a minimum of three to twenty years or life imprisonment for severe offences. It sets up special courts for quick trials and lays out child-friendly procedures during investigations and trials to lessen trauma for victims.

Implementation of the POCSO Act in Jammu and Kashmir: Following the abrogation of Article 370 in August 2019, the POCSO Act became fully enforceable in Jammu and Kashmir[2]. Special courts and the appointment of Special Public Prosecutors (SPPs) were established to manage POCSO cases, ensuring specialized legal representation[3]. As of January 2025, four exclusive POCSO fast track courts are operating in J&K, handling over 800 cases since their inception. From April 2024 to April 2025, more than 310 cases of child sexual abuse were reported, mainly from Jammu and Srinagar districts[4].

Various awareness programs have been launched by the government and non-governmental organizations (NGOs) to inform stakeholders, including police, the judiciary, and the public, about the POCSO Act. Training sessions for law enforcement have been organized to help them handle cases of child sexual abuse more sensitively. The Act's provisions for child-friendly procedures, such as recording the child's statement in a safe space and allowing a trusted adult to be present, are being followed in J&K[(5)]. The use of technology like video conferencing for giving testimonies has been promoted to reduce the trauma associated with multiple court appearances.

Comparative Regional Trends and Legislation: J&K stands out compared to other Indian states due to its recent administrative changes and security concerns. While northern states like Uttar Pradesh and Bihar report higher absolute numbers of POCSO cases, J&K has experienced a noticeable increase in reported cases since 2019.

The reporting trend in J&K is at odds with a national decline in juvenile crime, suggesting greater awareness and law enforcement efforts in the region. Across India, there are 754 fast track special courts, including 404 exclusive POCSO courts, operational as of January 2025. Differences in case registrations across regions reflect variations in reporting practices, legal infrastructure, and socio-cultural factors[6].

Punishments under the Act are consistently strict across states; however, rates of conviction and time to resolve cases differ significantly. J&K faces challenges with limited infrastructure and judicial delays, resulting in only 38.5% of reported cases resolved by mid-2025, prolonging the trauma for victims[4].

Challenges in Implementation in J&K

Socio-Cultural Barriers: Conservative beliefs lead to underreporting due to stigma and fear of social rejection. Families may choose to settle cases privately rather than seek legal action, worried about potential damage to their reputation[7].

Legal Delays: The judicial process is slow, and special courts face resource constraints, hindering the timely delivery of justice. These delays can lead to additional trauma for victims and their families[8].

Limited Awareness: Despite awareness campaigns, rural and remote areas remain uninformed about child rights and legal protections under the Act. Misunderstandings about the legal process and children's rights persist.

Security Concerns: The unstable security situation, particularly in certain areas, can impede the effective application of the Act. Security issues may take precedence over child protection cases, resulting in insufficient attention to POCSO cases[9].

Impact of the POCSO Act in Jammu and Kashmir

The POCSO Act has significantly shaped the legal landscape in Jammu and Kashmir by increasing awareness about child sexual abuse and offering legal options for victims. However, the actual impact on convictions and prevention remains limited due to the challenges mentioned.

Increased Reporting: There has been a gradual rise in the reporting of child sexual abuse cases, reflecting growing awareness of the Act. NGOs and civil society organizations have played an important role in encouraging victims to seek justice.

Legal Precedents: The J&K High Court has issued several landmark rulings under the POCSO Act, establishing critical legal precedents for child protection. These rulings have stressed the need for child-friendly procedures and strict penalties for offenders[10].

Community Engagement: Initiatives at the community level, such as workshops and seminars, have helped break the silence surrounding child sexual abuse and foster community involvement in child protection efforts[11].

Qualitative Perspectives through In-Depth and Key Informant Interviews

In-depth Interviews (IDI) and Key Informant Interviews (KII) with community members, healthcare professionals, and law enforcement reveal varied levels of awareness about the POCSO Act. Many acknowledge its importance but point to socio-cultural taboos, misinformation, and fear of retaliation as barriers to effective reporting and intervention. These qualitative insights highlight the need for ongoing education, services that support survivors, and stronger community networks to protect children actively[12].

Recommended Measures for Improvement: To improve the effectiveness of the POCSO Act in Jammu and Kashmir, the following actions are suggested:

- ***Strengthening the Judicial Process:*** Increase the number of special courts and ensure they have sufficient resources to handle POCSO cases efficiently. Implement time-bound trials to provide speedy justice for victims.
- ***Enhancing Awareness:*** Carry out extensive awareness campaigns, especially in rural and remote areas, to educate the public about the POCSO Act's provisions. Engage community leaders, religious figures, and school teachers to help dispel myths about child sexual abuse[10].
- ***Capacity Building:*** Provide regular training for law enforcement, the judiciary, and healthcare professionals on how to handle POCSO cases with care and effectiveness[5]. Establish child protection units in every district to support victims and their families comprehensively.

- ***Community Involvement:*** Encourage community participation in child protection initiatives, including forming local committees to monitor and report child sexual abuse cases. Build partnerships between government bodies, NGOs, and community organizations to create a strong support system for victims[13].
- ***Addressing Security Concerns:*** Ensure child protection remains a priority for law enforcement, even in areas facing security challenges. Provide additional protection for victims and witnesses in sensitive cases to encourage reporting and cooperation in the legal process.

Conclusion

The implementation of the POCSO Act in Jammu and Kashmir marks a positive step forward for child protection, despite significant obstacles. The environment post-Article 370 shows increased case reporting and court focus, but socio-cultural and infrastructure barriers still exist. Combining quantitative data on case trends with qualitative community perspectives provides a well-rounded view of both progress and challenges. A multifaceted approach that emphasizes awareness, judicial efficiency, and capacity building is necessary to ensure a safe environment for children in the region.

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