

Child Sexual Assault Trials: A Comparative Analysis Between Common Law Countries With Special Reference To India

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Abstract

Child sexual abuse (CSA) is defined by the World Health Organization (WHO) as the involvement of a child in sexual activity that the child does not fully understand, is unable to give informed consent to, is not developmentally ready for and cannot give consent to, or that violates societal laws or social taboos. The term "child sexual abuse" (CSA) refers to a variety of sexual behaviours, such as fondling, enticing a child to engage in sexual contact or to receive sexual contact, intercourse, exhibitionism, engaging a kid in prostitution or pornography, or luring children online by cyber-predators. Children who have experienced sexual abuse are the victims of a crime and may pursue legal action as a result. This frequently occurs in conjunction with the child having a mental condition as a result of abuse. To address this issue and safeguard children's rights, the Protection of Children from Sexual Offences Act (POCSO) was passed as a special law in India. Without a question, enacting this Act has been a significant step in protecting children's rights. This paper will compare the extra measures that are offered to child complainants/victims in sexual assault cases. In this paper India's position is contrasted and compared with those of Australia, New Zealand, and the UK.

Keywords: child sexual abuse, trial, POCSO Act

1. Introduction

The issue of child sexual abuse is a worldwide issue that exists everywhere. A child is helpless, undeveloped, and reliant on others. They are exposed to things like sexual exploitation, discipline, pressure in the classroom, and health difficulties. The growth of children is essential to any country's future. They represent the most defenceless groups in society. The Indian government is focusing on issues like child welfare, child development, and most importantly, how India's future generations would need to be educated. CSA was not officially recognised as a crime in India until recently. The primary, if not the only, explicit sexual offence against children that Indian law recognised was rape. Lack of particular legislation made it impossible to impose legal consequences on a variety of objectionable behaviours, including harassment, child sexual assault that did not amount to rape, and exploitation for pornography. In order to end "the conspiracy of silence," non-governmental organisations (NGOs) and the Ministry of Women and Child Development of the central

government actively worked together. This helped to create significant political and public impetus for action. The media and public conversation on child protection concerns become more activist as a result. The Ministry of Women and Child Development led this initiative, which resulted in the 2012 passage of the Protection of Children From Sexual Offences Act (POCSO Act).

Characteristics of the POCSO Act: A multitude of behaviours, including child rape, sexual assault, sexual harassment, and pornography involving a minor, have been made illegal as a result of the POSCO Act (under the age of 18). The creation of Extraordinary Courts is mandated by law in order to facilitate speedy trials in cases of child sexual abuse. Without a doubt, POCSO's passage has helped the cause of safeguarding children's rights. The law, which regards anyone under the age of 18 as a minor, is intended to safeguard children from sexual abuse in both letter and spirit. The POSCO Act lays out heavy penalties that are graduated based on how serious the offence was.

The study will start off by looking at the sources of the measures and how they are obtained. The components of the trial itself, such as how evidence is presented and procedures for interrogating a child witness, will subsequently be covered. The many care components of the trial process, such as support people, communication aids, and attempts to promote comfort, will then be discussed. The study will then briefly examine the measures in place to protect the privacy of child complainants. In the end, India appears to have comparable safeguards and initiatives in place compared to the other Commonwealth countries, although not identical. There are several specific areas where discrepancies are more pronounced and encourage discussion of reform options. Options include changing legislation to be more complaint-oriented, using pre-recorded evidence, regulating how to interview minor witnesses, and enacting regulations allowing access to communication aids. Although it is acknowledged that just copying another country's laws would not be desirable or culturally suitable for India, it is hoped that this research would spark additional enquiry into how Indian law can develop in the future.

1.2 The laws

For each of the jurisdictions mentioned in this chapter, the primary pieces of law with provisions for complainants of child sexual assault are as follows:

1. United Kingdoms: Youth Justice and Criminal Evidence Act 1999 (UK);
2. India: The Protection of Children from Sexual Offences Act 2012;
3. Australia: Criminal Process Act 1986 (NSW);
4. New Zealand: Evidence Act 2006; Criminal Justice Act 1985; and Crimes Act 1961

It should be noted that most information on Australia is focused on the state of New South Wales, and most information about the United Kingdoms is concentrated on England.

2. Protections provided by the legislation

2.1. Access to extra precautions

Children will be eligible for special measures in each of the jurisdictions because of their age, but eligibility does not guarantee automatic approval of the measures. All of the statutes, while having some requirements that are mandatory, also have a number of provisions that are applied depending on judicial discretion. In India, it appears that there are more obligatory than optional provisions in comparison to England, Australia, and New Zealand. The language of the law is also very different. It has a strong focus on total judicial control. Thus, the provisions will either state that the Special Court must act or that it may act.⁵ While the court ultimately decides whether to implement a measure, the wording is much more victim-oriented in other jurisdictions, where a complainant's perspective is more easily taken into account. For example, contrast Australia's and India's rules for providing video evidence. POCSO sec 36(2) allows the Special Court to videoconference-record a child's

⁵ The Protection of Children from Sexual Offences Act 2012 (IND) Ch VIII

statement. Sec 306(1) of the Criminal Process Act of 1986 (NSW) A vulnerable individual has the right to provide testimony using closed-circuit television equipment. The wording of the Australian legislation shows a larger stress placed on victim rights and empowerment, even though each provision eventually leads to the same result (especially since the POSCO Guidelines contain provisions regarding consulting with the child complainant)⁶. Similar complaint-oriented wording exists in England and New Zealand, where requests can be made for victims to receive preferential treatment.⁷ The victim-oriented language may be partially explained by the fact that many of the laws for children are applicable in Australia, England, and New Zealand since those countries classify minors as vulnerable witnesses or sexual assault complainants. So, the clauses were drafted in the framework of victim rights and giving courts a toolkit so they could extract the best testimony possible from weak witnesses (adult and children alike). Yet, in India, the applicable regulations were created expressly with children in mind, which has influenced legislation to use more prescriptive language. This can be the case since children have less mental capacity and protection over consultation is therefore prioritised. Regardless of how they are phrased, special measures in each of the jurisdictions generally end up being used routinely in practise. Nevertheless, courts in countries with higher rates of judicial discretion, such as Australia, New Zealand, and England, may issue orders without a request if they think it is essential. The victim-oriented approach can be advantageous since it enables a greater level of kid participation in court decision-making. For instance, the Australian Law Reform Commission reported a situation in which a 14-year-old Polish girl requested to testify in court ahead of the accused. While she gave testimony and argued for her right to confront the defendant for what he had done to her, she yearned to meet the defendant.⁸ It was determined that the complainant was ultimately helped to heal and move on with her life, in addition to making court a more empowering experience. In India, where the law mandates that the court guarantee that the kid is not exposed to the perpetrator in any way, she would not have been able to make the decision to confront her assailant. Judges in Australia, New Zealand, and England have a wider range of options to customise trial experiences to each child's needs and take into account the significant capacity differences between very young children and those nearing adulthood because special measures are framed as victim rights rather than court powers, as in India. So, it makes sense to treat extraordinary measures as rights rather than court-ordered initiatives.

The age requirement for access to special measures is another area where the jurisdictions differ. POCSO's protections are applicable to people who are younger than 18 in India. This age cutoff is the same in New Zealand. 8 Australia has the youngest age restrictions, with a vulnerable person defined as being children under the age of 16 or those under the age of 18 if they were less than 16 years old when the accusations against the accused were made. In England, however, the age used is 17 years old.⁹ 10Nonetheless, given that comparable protections are in place for complainants in sexual assault proceedings in both Australia and New Zealand, the special procedures mentioned in this paper may still apply to people who are over the age restrictions. Regarding age restrictions, it is believed that individuals who are less than 18 should be subject to special rules for children. This is because according to the Covenant on the Rights of the Child, to which India, the UK, Australia, and New Zealand are party, children are defined as those under the age of 18. India is therefore using best practises in this sector.

3. The trial,

3.1 Alternative ways to provide evidence

Provisions are created in each jurisdiction to allow juvenile complainants to provide alternative forms of testimony in court. This protects the youngster from having to encounter the accused and lessens the trauma of the procedure for young people. Every jurisdiction offers the following two actions: 1. Using CCTV, livePlink, or other audiovisual tools to record a child's testimony and use it for cross- and re-examination. This may be

⁶ Protection of Children from Sexual Offences Model Guidelines 2012 (IND),2.2(i)

⁷ Youth Justice and Criminal Evidence Act 1999 (UK);Evidence Act 2006 (NZ)

⁸Australian Law Reform Commission, Family Violence[A National Legal Response, Report 114 (2010) 26.

⁹ Youth Justice and Criminal Evidence Act 1999 (UK) s 16(1)(a)

done in a different courtroom, or perhaps a different site.¹⁰

2. Making ensuring a kid testifying in court cannot see the accused by screens, specific seating arrangements, one-way mirrors, or other means. The accused may not be able to see the child on the video feed by using such visual blockers. This is due to evidence showing that many people continue to be concerned that the accused will be able to see them, even though a youngster cannot see the accused.¹¹

However, there are other procedures available in other countries. In India, the POSCO Act permits certain particular methods of gathering child statements. The use of pre-recorded evidence in various formats is fairly common and, in certain situations, very extensive in Australia, New Zealand, and England.

The various methods are listed below along with some of their benefits and drawbacks;

3.1.1 Using police interrogations

There are laws that permit the police interview of a kid to be used as evidence in England and Australia. Yet, the youngster will still need to appear in court for cross and re-examination.

3.1.2 Positives and negatives of police interrogations

The biggest advantage of using interviews as evidence, according to a 27-month research done in England, was that it reduced the child's stress. Evidence from interviews and live link tests revealed that kids were significantly less worried in the latter. Another advantage is that the c In India, children are required to appear before the court twice more in addition to speaking with the police. There are other claims that using police interviews as evidence may be more reliable because they are conducted shortly after the event. By removing the need for kids to reread their comments in order to refresh their memories before to testifying, it may also prevent the retraumatization of youngsters. Police interviews can be helpful as well because they paint a vivid picture of the child shortly after the abuse. child is spared from having to tell their tale to various audiences on several occasions. This could show emotional and nonverbal reactions that may not be there by the time a trial is place, especially if there has been a long period between the trauma and the child's recovery has involved professional help. 19The biggest objection to using police interviewers was that the interviewer's competence would taint the evidence. Sometimes the correct questions may not be asked in order to obtain enough information for a trial. Strict question rules and suitable training for interviewers could help to at least partially offset this. Another issue is that youngsters frequently do not immediately share all the facts of what has happened or may even deny that something has happened if adequate confidence or rapport has not been established. This can be because of cultural differences, issues with shame, or a reluctance to upend family structures, especially given that the abusers are typically someone the child knows. Young children can present additional challenges since they might not have the words to define sexual acts or they could not know whether behaviour is improper given the prospect of experiencing pleasant body sensations. For each of these reasons, some would think it's preferable for a youngster to have several opportunities to talk about what happened, and some might think interviews are important. For each of these reasons, some people might think it's preferable for a kid to have several opportunities to talk about what's happened.

Some argue that in order to obtain entire knowledge about what transpired, interviews are required. However, it should be remembered that the challenges described here that the police encounter are not always resolved by having someone with legal training asking the questions, especially when it is taken into consideration that the police who conduct the interviews are highly trained. It is acknowledged that for a measure like this to be effective, trust in the Indian police system may not be strong enough. Yet, modifications to the approach might be effective, such as using a child's initial Special Court interview. In the end, as with other extraordinary

¹⁰POCSO, 36(2); Youth Justice and Criminal Evidence Act 1999 (UK) s 24; Evidence Act 2006 (NZ) s!106; Criminal Procedure Act 1986 (NSW) s 306 B.

¹¹ POCSO, 36(2); Youth Justice and Criminal Evidence Act 1999 (UK) s 23; Evidence Act 2006 (NZ) s 116; Criminal Procedure Act 1986 (NSW) s 306 ZH.

measures, it is frequently advisable to take into account offering the option so that judges may issue an order where they believe it necessary. Each child should be evaluated on a case-by-case basis, with the opportunity to incorporate interview evidence if it is deemed convincing enough.

3.1.3 Statements made in advance

In Australia, New Zealand, and England, it is possible to pre-record a child victim's statement before the trial.¹² This would typically entail a separate session or pre-trial hearing without a jury, in which the judge, the prosecution, the accused, and their defence are present.

3.1.4 Pre-recorded for all evidence

Every child-related piece of evidence is pre-recorded in various Australian states. In three court centres in England, pre recording of cross-examination is being tested.²⁷ Although pre-record cross-examination methods are available in New Zealand and may be requested, they are not frequently employed.

3.1.5 Advantages and disadvantages of pre-recorded evidence

Pre-recording evidence is helpful in preventing the deterioration of memories and increased stress to a kid as a result of long waits between committal and trial. Also, because the jury is not present, the examination is less stressful and it is simpler to offer the child additional breaks as needed. Pre-recording all evidence may also allow a child to begin the healing process sooner rather than having to provide testimony on numerous, spaced-out dates, as is the case in India. Another advantage is that using pre-recorded evidence may have increased the reporting of crimes in Australia because victims can avoid many of the drawbacks of a trial. There is also the chance to avoid a thorough trial. If the evidence is very strong, the accused may agree to a plea deal; if the evidence is poor, there may be a chance to drop the charges. The expense of a thorough jury trial is avoided in both situations. Also, technology can aid in limiting jury prejudice by allowing inadmissible information that the jury has previously heard to be removed from the video rather than telling them to disregard it. Also, since the video was produced, witnesses in a retrial won't experience new trauma because the tapes are just repurposed. The recording of all testimony had some drawbacks, according to the Australian Law Reform Commission.

These include worries that the defence will be rushed in their preparation for cross-examining the key witness for the prosecution, the disadvantage of video technology lacking the immediacy and persuasion of in-trial testimony, and the potential need for multiple interviews that may be stressful for the witness. The NSW Department of Public Prosecution added that while recorded evidence keeps its forensic integrity during delayed processes, mandating its recording in cases when a trial is going quickly could unintentionally cause delays. Another issue raised is that when a defendant switches defence attorneys, the new solicitor may have new inquiries that their predecessor did not raise. For this reason, the Australian Law Reform Commission recommended against always using pre-recorded evidence, despite the fact that it is a valuable tool, particularly for child sexual assault complainants. As with other special measures, using pre-recorded evidence could be an additional tool judges can employ to assist young witnesses and get the best possible testimony from them.

3.2 Interrogating child witnesses

When it comes to interviewing kid witnesses, especially those who are very young, a lot of challenges come up. Many studies on kid witnesses have uncovered a variety of significant problems that may occur, particularly during cross-examination. These are a few of them:

1. Using jargon or other unclear terminology when posing questions to kids.
2. When queries just hop from subject to subject with no apparent order. A child might find it too challenging

¹² Youth Justice and Criminal Evidence Act 1999 (UK) s 27; Evidence Act 2006 (NZ) s 106; Criminal Procedure Act 1986 (NSW) s 306U

to understand this, which would make the questioning process too demanding.

3. The use of inquiries repeatedly. This is because children, especially younger ones, are prone to responding differently when asked the same question by an adult because they believe their initial response was incorrect or unsatisfactory in some way.

4. Using tag questions or leading questions that a child is likely to just accept. Tag questions are ones that are attached to the end of statements with words like "isn't it?" or "didn't he?"

5. Inquiring about a child's history of fabrication or lying. A child is unavoidably discredited by questions of this nature. A youngster will be more likely to respond with a yes or no than an adult, who could add something like "only white lies" or "only when it's required." Saying "yes" gives the impression that the youngster has admitted to lying, which raises the probability that they are also lying during their testimony. Saying "no" is also dishonest because no one is perfect and, as people become older, they especially tend to lie about small things.

6. A youngster who is unable to communicate when they are perplexed, can't recall something, or are unsure of the solution. Children can feel forced to provide a one-word response or assume what the person asking wants to hear in front of authoritative individuals. That may cause them to fabricate something, which could later bring them into disrepute.

7. The jury and the youngster become weary after too much questioning.

These issues can be challenging to resolve, and this is by no means a complete list of difficulties you might encounter when questioning kids. When the defence council takes advantage of these weaknesses to cast doubt on a witness, they may become an even bigger problem. Strong regulations governing kid questioning must be in place as a result of these problems. Unfortunately, not all jurisdictions have this. Provisions prohibiting unrepresented defendants from physically cross-examining juvenile complainants and, in some situations, any other kid witness, are common to all the countries. In most instances, either the defendant must choose a representative to question on their behalf or the court will designate a representative to ask the questions the defendant has filed. Each jurisdiction also has rules limiting the questioning of a witness regarding previous sexual behaviour, with some exceptions.

Although it is irrelevant for younger children, in the past it was common practise to bring up a teenage complainant's sexual history, which might be unfairly exploited against a complainant. Given that there are no explicit laws for kids, Australia and New Zealand have the laxest policies on questioning of youngsters. Child witnesses in these two jurisdictions are exclusively safeguarded by the

All witnesses have access to a basic set of protections. As a result, the judge has the authority to bar questions that are deemed improper, irrelevant, unfair, deceptive, unduly repetitious, or written in a complex manner that the witness cannot understand. This may sound rather comprehensive, but studies indicate that judges do not step in as frequently as they ought to and most definitely not in relation to their unique vulnerabilities. Several publications from Australia and New Zealand emphasise the persistence of the aforementioned issues in child sexual assault trials. While efforts are being made, it seems that child-specific rules, such to those in India and England, are most important in these countries.

The POCSO statute in India provides additional restrictions for minors that forbid aggressive interrogation or any inquiries that amount to character assassination in addition to the rules on questioning that apply to other witnesses. This can assist avoid the defence unjustly intimidating young witnesses. A clause of POSCO stipulates that inquiries must first be directed at the Special Court before being directed at the kid as an additional measure of protection. A system like this motivates judges to be watchful to make sure no inappropriate questions are asked and permits intervention if necessary. Compared to Australia and New Zealand, India's system protects youngsters more actively. England has general guidelines for cross-examination that apply to all witnesses, including the prevention of needless, irrelevant, improper, or abusive questioning, that are

analogous to those for examining adult witnesses. Yet unlike other jurisdictions, they have also produced very compelling case law focused on the interrogation of children.

The strongest safeguards are provided by *R v Wills* [2011], which gives the court the authority to establish required conditions proper restrictions on interrogation. The judge is then responsible for upholding the limitations, including instructing the jury when requirements are not met. These limitations must be properly stated and explained to the jury.¹³ The power's necessary and appropriate phrasing offers courts broad discretion to intervene and allows them to customise their questioning techniques for each youngster. According to *R v. B* [2010] EWCA Crim 4, cross-examination is prohibited when there is a possibility that a child will answer a leading question, which is typical with kids who might just say what they think an adult wants to hear.¹⁴ There are also restrictions on the use of difficult or tag questions by counsel to pretend to present their position to the kid. Certain restrictions stipulated in the

While case law is a useful tool for addressing many of the problems that can occur when using kid witnesses, England stands out for their use of Ground Rules Hearings.

There is a chance to proactively put preventive measures in place during Ground Rules Hearings. Measures may include who will question a child, the type of questioning to be done, and the length of time the inquiry will last. While employing them, judges and attorneys must carefully evaluate how to best support each unique child during the trial processes and to set the culture of trial. While a judge might overlook something during a trial, it is feasible that the proactive examination of needs provides children with a greater level of protection. This might even happen in India, where the court is in charge of asking the child questions. There is a larger likelihood that problems can be avoided by taking proper questioning of youngsters into account both before and during inquiry. the guidelines Hearings are accessible upon request, although they are required in cases involving an intermediary (discussed in greater detail at 4.2).

4. Courtroom assistance

4.1 Support staff

A complainant who is a child is allowed to have a support person in each of the four jurisdictions examined in this paper. Regarding their appearance in court, there are various variances. The support person in both the Indian and English systems is a qualified professional. A list of competent individuals is kept up to date in India by the Child Welfare Committee and the District Child Protect Unit. They could be a professional in the field of children's rights, a representative from a children's home or shelter, a counsellor, an outreach worker, a social worker, or someone similar. In India, there is an additional need that cases be tried in front of the child's parents or any other person in whom the youngster has confidence or trust in addition to the trained people.

In England, the support person can be anyone with the necessary training as long as the court gives their request permission. Most frequently, it would be a representative of the National Society for the Prevention of Cruelty to Children, Witness Services, Victim Assistance, or an Independent Sexual Violence Adviser. A youngster may be present during the trial with family members who are not witnesses in the case.

In Australia, a child's support person is typically a family member, though they can also be a counsellor or a representative of a witness support agency. A child may occasionally have more than one support person, such as a family member and a professional assistant. The judge must give the youngster permission to enter the courtroom, and they must follow any instructions regarding where they should sit from the judge. Even if the support person is a family member, they will still have access to qualified professionals and be assigned a victim liaison officer who will assist them throughout the trial process.

The system is very similar to that of Australia in New Zealand, and the child has the option of having a family member or a hired help. According to a study on the utilisation of support services for kids, the majority of them

¹³ *R v Wills* [2011] EWCA Crim 1938

¹⁴ *R v B* [2010] EWCA Crim 4.

would have a relative or friend, while some would have a counsellor, social worker, or Child Youth and Family carer. When a child's care was not prearranged, court personnel were assigned to care for them. Services for victim support are provided to assist during the trial and inform the support person. In the end, the Support Person must adhere to court orders, just like in Australia.

Notwithstanding the minor differences, it is clear from each jurisdiction that the necessity of both familial and professional support is acknowledged. In fact, every country takes great care to ensure that the child and their family receive full assistance when it comes to the laws and regulations around the reporting of a sexual assault.

4.2 Support for communication

There are well-established procedures in place in every jurisdiction to provide witnesses with translators when needed. These could be sign language interpreters for youngsters who are deaf or foreign language interpreters for individuals who do not speak English well enough. In some jurisdictions, specialised communication experts may also be used in addition to translators. The majority of jurisdictions refer to them as intermediaries. With the use of intermediaries, it is possible to ensure that witnesses are providing the best information possible and that children are supported during their testimony. In Australia and several English-speaking states, intermediaries are available. These were also suggested in a report from the Ministry of Justice of New Zealand. The use of intermediaries is akin to Indian laws that permit the court to engage a special educator or someone who is familiar with a child's communication style to help obtain testimony from a child. Nonetheless, intermediaries are more widely available to all children, unlike the Indian system, which is exclusively offered to those with physical or mental problems.

For instance, in England, selecting an intermediary may be based in part on determining whether a person will have difficulty identifying a problematic question or, even if they can, if they are unlikely to challenge a person in a position of authority. The majority of kids will fit into one of these categories. Although there were initial worries that the intermediary would influence a witness' testimony, it was subsequently demonstrated that their assistance could enhance the quality of the testimony since they would make sure the youngsters understood the questions and the court understood their responses.

Any improper questioning of a witness may be stopped by intermediaries, who can also rephrase the question or demand that it be rephrased. Intermediaries are neutral parties who are employed by the court to facilitate communication between the parties without taking sides. In one case from England, an intermediary was able to conclusively prove that a 3-year-old was regularly sketching herself and other members of her family in the same way after multiple meetings with the youngster. As a result, when she began to sketch pictures of herself between her uncle's legs, the authorities were able to utilise these as evidence against the uncle. In the UK, intermediaries are also present at the previously discussed ground rules hearings. The judge can set specific guidelines for how each specific youngster will be questioned by attending the meetings and reporting on the child's unique communication needs. Hence, intermediaries can be crucial in overcoming obstacles to extracting the finest evidence possible from kids.

It should be mentioned that while though India's current system exclusively enacts laws pertaining to children with impairments, in actuality other youngsters frequently receive support. While this indicates that the practise in India is relatively comparable to that in other countries, it is troubling because not all kids need communication support. There is a chance that some kids won't have the chance because there are no laws mandating that a special educator, intermediary, or similar be taken into account in every situation. That indicates that rather than a legal provision including a clear objective standard, aid depends on the judgement and attitude of the judge. Legislation on the subject not only ensures that each child is treated equally but also clarifies the parameters of the role of the expert is obvious. For instance, it is stipulated that special educators who work with disabled children in India must be subject matter experts and possess the relevant credentials. Similar to the United States, strong regulations are in place in England to guarantee the impartiality of intermediaries and their correct accreditation. These kinds of regulations are required to protect the integrity of the evidence. In terms of quality and accessibility, it appears sensible that India pass legislation rather than just

being common practice.

4.3 Convenience in Court

There have been a number of actions taken to make the trial process less frightful for children. One of the most important ones is the use of witness support teams to assist in educating children and their families about the cases and the courtroom procedure. Allowing kids to visit the courtroom before their trial and, if possible, watch part of a case or learn how various special measures function is another option to improve their comfort. Every jurisdiction uses pre-trial court appearances. Allowing for frequent pauses helps children feel more at ease during court proceedings so that they don't get too tired. In India, POSCO stipulates that The Special Court may grant the kid numerous pauses during the trial if it deems it necessary. With the use of Ground Rules Hearings, the concept of time management for a child's wellness is developed further in England. The hearings are used to carefully time manage all stages of processes in addition to the before outlined regulations on the questioning of youngsters, to ensure that they are not overburdened or weary. By establishing ground rules early on in the case, all parties are made aware of the requirements of every kid and how those needs are being satisfied. England also has other innovative efforts to help kids unwind, like particular court preparedness education programmes for kids and projects where judges and barristers take off their usual wigs and gowns so they don't look frightening.

5. Identity Protection

Protecting a child's identity is one area where there is almost total agreement among the various countries. All of them have rules stating that cases involving child sexual abuse must be heard in closed courts, or in camera. This indicates that, unlike in other kinds of proceedings, the public is not allowed to observe in the courtroom. Also, the press will either be given limited access or, in some cases, be completely excluded. Also, laws prohibiting disclosing a child complainant's identity exist in every country. Regulations prohibiting the revealing of an individual's identity forbid identifying any details that could be used to identify a child, such as their school, address, or sibling's name.

6. Conclusion

After the implementation of POCSO, India has come closer to meeting the criteria set by countries like Australia, New Zealand, and England. The most significant areas of divergence, where India may consider reform, include moving towards complaint-oriented wording of legislation, the use of pre-recorded evidence, the provision of stronger rules around the questioning of children, and the development of clear legislation concerning the access of special educators/intermediaries for all children. It will ultimately take more investigation to determine whether changing Indian law is feasible or desirable, but it is hoped that this study will assist guide future investigation.