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# **CRIMINALISING DESIRE: CRIMINOGENIC RISK FACTORS, ADOLESCENT SEXUALITY, AND THE POCSO REGIME IN INDIA**

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## **ABSTRACT**

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was put into place with the mandate to protect the minors from sexual exploitation. In actual practice, however, the act's extensive criminalisation of any sexual activity with individuals below the age of 18 years - regardless of consensuality - has dragged innocent adolescent relationships into the net, and in the process turned a protective statute into a tool of coercion. This discourse draws on the results of qualitative interviews with forty late adolescents (in the age group of 13-18) in conflict with law for sexual offences to chart the criminogenic as well as demographic risk factors associated with sexually deviant conduct among Indian adolescents. Using reflexive thematic analysis, six key pathways of risk can be identified: peer affiliation and delinquent influence; pornography utilisation; vertical individualism and egocentrism; disrupted family structures; socioeconomic deprivation and antecedent childhood trauma - all of which come together via distorted antisocial cognition. The findings highlight an important legal-developmental disjunction, whereby although developmental criminology acknowledges adolescent risk factors as being amenable to psychosocial intervention, POCSO's inflexible framework requires prosecutorial responses to behaviours that have a trauma, poverty and peer influence background. This analysis argues for the use of principles of risk-need-responsivity (RNR), family-based interventions, as well as decriminalisation of consensual adolescent relationships as more effective pathways to protection and rehabilitation than the current paradigm of prosecution oriented. The manuscript concludes by suggesting legislative and institutional changes in light of evidence based juvenile justice and adolescent development tenets.

**Keywords:** POCSO Act, juvenile sexual offending, criminogenic risk factors, adolescent sexuality, risk need- responsiveness, developmental criminology, legal reform, etc.

## **1. Introduction**

India's adolescent population of about 22 per cent of its 1.4 billion population is at an inflection point of massive sociopolitical and juridical vulnerability. Against a backdrop of accelerated urbanisation, digital proliferation and the reduced efficacy of traditional social controls, adolescent sexuality has become a contested terrain in which developmental imperatives clash with legal regimes shaped by moral panic. The Protection of Children from Sexual Offences Act, 2012 (POCSO) that was enacted in the wake of the Delhi sexual assault case of 2012 is an epitome of this collision. Although its ostensible aim is protective - to shield minors from exploitation - the application of the same has taken a punitive turn, criminalising an estimated 20-25 per cent of cases relating to peer relationships with consent, rather than predatory abuse (Vidhi Legal Policy, 2025).

This disintegration between protective intent and criminogenic outcome raises basic questions concerning the connection of developmental criminology, adolescent agency and juvenile justice. Specifically: what are the criminogenic and demographic predictors of sexually deviant behaviour in late adolescents, and how do existing legal frameworks respond to existant determiners? Does the strategy adopted by POCSO - mandatory prosecution, blanket prohibition based on age and denial of consent - enhance protection and or entrench harm?

In order to interrogate some of these questions, this article brings together qualitative data from semi-structured interviews with forty adolescents implicated in sexual offence cases as well as supplementing this with psychological assessment data from school-going populations screened for conduct and behavioural risk factors. Reflexive thematic analysis brings out six risk pathways to sexually deviant behavior that are also interrelated and are precipitating: peer association and delinquent influence; pornography consumption; vertical individualism and egocentrism; fraught family structures; socioeconomic deprivation; and early childhood trauma - antisocial cognition emerging as the mediating psychological mechanism. The article then puts these findings into the context of developmental criminology and law-and-society approaches, and argues that the current implementation of POCSO is at odds with existing evidence about adolescent risk and protective factors and evidence-based

approaches to rehabilitation.

The stakes are substantial. Adolescents charged under POCSO face the consequences of convictions, incarceration, sex offender registration and lifelong stigmatization. Victims are re-traumatized by legal procedures against their expressed wishes. Concurrently, the real causes of the surge in sexually deviant behaviour (trauma, poverty, parental absence, peer criminality) are not adequately addressed by prosecution alone. Accordingly, this article advocates a move towards risk-need-responsivity frameworks which prioritise a distinction between predatory and consensual behaviour and adolescent developmental capacity and the primacy of a psychosocial intervention to protect and desist from offending.

## **2. Conceptual Framework Developmental Criminology, Adolescent Risk and the Law-and- Society Critique**

### **2.1 Developmental Criminology & Adolescent Risk Paradigm**

Developmental criminology argues that criminal and deviant behavior is the product of dynamic, multifaceted pathways involving individual, familial, peer, institutional and structural influences during the life course (Moffitt, 2018). A fundamental belief is that adolescence, the period between late childhood and early adulthood (roughly, between the ages of 10-24 years) is a time of heightened risk for crime involvement, mainly because of a convergence of factors: neuro-biological maturation (particularly in the areas of impulse control and reward processing), psychosocial identity formation, peer dependency, and exposure to destabilising life events (trauma, family dissolution, poverty, abuse).

Critically, developmental criminology distinguishes between early onset pathways - where disruptive behaviour occurs in childhood and continues into adolescence and adulthood - and late onset pathways - adolescence limited phenomena where risk taking and rule violation are normative reactions to developmentally salient challenges and desistance predicted in young adulthood (Loeber & Dishion, 1983). The implications are profound: the late onset delinquent responds significantly better to rehabilitation, family intervention and psycho social support than punitive measures.

Within this framework criminogenic needs refer to dynamic, malleable risk factors that are directly linked to criminal behaviour. The seminal Risk-Need-Responsivity (RNR) model,

which was drawn from meta-analyses of juvenile and adult offender populations, includes primary criminogenic needs in the following areas:

1. antisocial attitudes, values, and beliefs;
2. antisocial social influences (delinquent peers, criminally involved family members);
3. history of antisocial behaviour;
4. poor self-control and impulse management;
5. substance abuse;
6. deficient family functioning (parental criminality, neglect, abuse); and
7. low school/employment attainment

(Andrews and Bonta), The overriding principle of the model holds that interventions should coincide with the assessed risk level and criminogenic needs and be delivered through learning styles appropriate to the individual's cognitive and social capacity.

Sexual offending in adolescence is theoretically conceived to have multiple etiological pathways, rather than being viewed as a unitary phenomenon. Contemporary criminology makes a distinction between sex only offenders - whose offending is limited to sexual behaviour, often against children, with no history of non-sexual delinquency; and sex plus offenders, whose sexual offending is accompanied by general delinquency and violence, substance abuse and antisocial personality traits (Seto, 2008). Sex-plus offenders present with stronger associations with general criminogenic needs (antisocial cognition, peer delinquency, substance use, poor family functioning), while sex-only offenders tend to have more circumscribed risk profiles which are characterised by sexual preoccupation, social isolation and deviant sexual interest. The implication: treatment and intervention pathways are fundamentally different based on offender typology.

## **2.2 Risk Factors Contributing to Criminal Behaviour in Adolescent Sexual Behaviour: The Empirical Evidence**

Longitudinal and cross-sectional studies have consistently shown strong relationships between

certain risk factors and adolescent sexual offending. Peer Association and Delinquent Influence Adolescents show a marked tendency towards the influence of peers, a developmental process that is based on changing social motivations to favour peers over parental oversight at mid- to late adolescence (Steinberg, 2008). Peer rejection - especially in the early adolescent period - as well as association with delinquent peer groups is associated with significantly greater risk of both general delinquency and sexually risky behaviour (Coyne et al., 2010). In the Indian contexts, the use of pornography viewing, property damage and substance use in a qualitative research found that adolescents are explicitly engaged in pornography viewing, property damage and their explicit participation in the activities involves peer pressure and group dynamics normalising the transgressive conduct (Banaras, 2011).

**Pornography Consumption:** Emerging longitudinal evidence suggests a dose-response relationship between pornography consumption and sexual aggressiveness in adolescent males. Adolescents who viewed non-violent pornography in the past year were 3.7 times more likely to engage in sexually aggressive behaviours; and those who viewed violent pornography were 24 times more likely (Waterman et al., 2022). Early exposure (prior to 14 years of age) seems especially consequential, as it may result in habituation of youth to coercive and violent sexual scripts, normalisation of exploitation and decreased empathic responses to victim harm. The use of pornography is strongly predicted by peer pressure indicating that peer-group processes and media access work together to enhance risk (Dawson, 2019).

**Broken Family Structures and Parental Dysfunction:** A systematic review concludes that parental absence (prison, death, or abandonment), substance abuse, domestic violence, and physical/emotional neglect are strongly linked to early sexual debut, unprotected sex and sexually risky behaviour among adolescents (Mmari et al., 2016). According to qualitative research in the urban Indian context, such broken families that include single parent households, grandparent headed families or broken families due to migration of parents, leave adolescents without any stable mentorship, monitoring and moral guidance as well as leaving them vulnerable to be recruited by peers into risk taking networks (Ramteke et al., 2023).

**Early Childhood Trauma and Sexual Victimization:** Cumulative evidence shows that experiences of childhood sexual abuse, physical abuse, witnessing domestic violence and other types of trauma predict significantly elevated rates of health-risking sexual behaviour and criminal offending in adolescence (Smith et al, 2006). The mechanism is a combination of both

psychological pathways, such as dysregulation of emotion and impulse control, internalising abuse as the norm, and social pathways, such as trauma-exposed youth attracting each other in a process of peer contagion, using maladaptive behaviours to cope with the abuse, such as substance use and risky sexuality. The abused-abuser hypothesis that sexual victimisation provides a key causal factor in the development of sexual offending is not universally supported, but victimisation is significantly over-represented in adolescent samples of sexual offenders (40-75% depending on victim characteristics) and appears to be particularly strongly associated with offences against children of similar age/gender to the perpetrator's own victimisation (Worling, 1995).

**Socioeconomic Deprivation and Poverty:** Poverty is a direct and indirect risk factor. Directly, lack of supervision due to poverty (as parents work due to poverty) - crowded living conditions and low environmental privacy increases opportunities for sexual activity and exposure to environmental sexual scripts. Indirectly, poverty undermines educational attainment (leaving adolescents vulnerable to misinformation concerning sexuality), mental health (poverty-related stress creates more depression and anxiety, which are associated with risky coping), and family stability (economic stress creates divorce, domestic violence, parental substance abuse) (Adler-Baeva and Lewandowski, 2022). In rural and urban-slums Indian contexts, poverty-related constraints on opportunity (inability to afford school fees, lack of recreational alternatives) as well as the low level of parental education, decrease the capacity to provide sexual health information (Ramteke et al., 2023).

**Antisocial Cognition: The Mediating Mechanism:** One of the key findings of the literature on juvenile delinquency is the mediating role of antisocial cognition (including moral disengagement, cognitive distortions, entitlement beliefs and deficits in empathy) in the link between distal risk factors (peer influence, trauma, poverty) and actual offending behaviour (Maruna & Copes, 2005). Adolescents with high antisocial cognition engage in "thinking errors" such as denial of harm ("she wanted it"), minimisation of victim impact ("it was just a game"), neutralisation of personal responsibility ("my friends made me") and victim-blaming ("she was dressed provocatively") (Ward & Keenan, 1999). Importantly, antisocial cognition in adolescence is not a fixed and unchangeable state and responds to cognitive-behavioural intervention, family therapy and changed social contexts.

A related construct, emerging from developmental psychology, is vertical individualism and

adolescent egocentrism-the enhanced self-focusing, personal invincibility ('personal fable') and exaggerated sense of audience awareness ('imaginary audience') which characterize adolescent cognitive activity (Elkind, 1967). When these are coupled with socially deviant peer groups and exposure to pornographic scripts, then this egocentrism is translated into a feeling that normal rules and empathic constraints do not apply to oneself-facilitating sexual transgression.

### **2.3. POCSO and Legal Criminalisation of Adolescent Sexuality: A Law and Society Analysis**

The POCSO Act, 2012 defines a "child" as a person under 18 years of age, making all sexual activity with persons below the age of 18 years automatically criminal, irrespective of consent, mutuality and age proximity (Protection of Children from Sexual Offences Act, 2012, Sec. 2(1)(d)). The statute sets strict liability - in that the intent of the perpetrator and alleged victim are legally irrelevant. It prescribes minimum sentences (penetrative sexual assault under Section 4 (7-10 years imprisonment), non-penetrative sexual assault under Section 8 (5-7 years imprisonment) - these are often longer than the sentences for adults who are convicted of statutory rape) and it creates a presumption of causality (harm is presumed, not proven).

In reality, this legal framework produces three types of consequences:

1. First, the Criminalisation of Consensual Adolescent Relationships Empirical studies indicate that 20-25% of POCSO cases registered in states like Assam, Maharashtra and West Bengal are cases involving consensual romantic relationships between adolescents that are often initiated by parents/relatives after discovery of elopement or pregnancy rather than by the alleged victim (ENFOLD Proactive Initiative, 2016-2020). Critically, in 82% of these "consensual romantic" cases, the alleged victim is unwilling to testify, is actually fighting the prosecution process, and disputes being underage or suggests that she was truly consenting, yet mandatory prosecution goes forward anyway (Bar and Bench, 2024). The law thus supersedes adolescent agency, for what is a developmental normality everywhere, is rendered a criminal offence and a means of parental/social control against inter-caste, interfaith or cross-class relationships.
2. Second, the mismatch between the legal response and criminogenic factors: The

punitive nature of POCSO's response (including prosecution and incarceration) does not respond to any of the criminogenic needs identified. It fails to curb peer delinquency, to break exposure to pornography, to ameliorate familial dysfunction or trauma or to remediate antisocial cognition. Punishment, indeed, may strengthen antisocial thinking through confirming stories of victimization and injustice, especially when the adolescent sees the prosecution as unjust (as in cases of consensual crime) or disproportionate to the actual ills that were inflicted.

3. Third, erosion of adolescent developmental capacity: Developmental psychology and the UN Convention on the rights of the child recognizes that adolescents, particularly those between the ages of 16 and 18 years, have a gradually maturing capacity for informed decision making including in matters concerning sexuality (UN Committee on the rights of the child, 2009). This capacity is not a binary situation in which child = no capacity, adult = full capacity, but is developmental and dependent on the context. POCSO's legal framework ignores differences in adolescent age, maturity or consent status, and in this way reduces the complexity of adolescent sexuality to a simple category of criminality.

### **3. Methodology: Qualitative Research Design & Thematic Analysis**

#### **3.1. Research Setting and Sample**

The present study employed a qualitative and an exploratory research design in order to map criminogenic and demographic risk factors as linked to sexually deviant behaviour in late adolescents. The sample was comprised of forty semi structured interviews with adolescents aged 16-18 years in conflict with the law for sexual offences recruited from juvenile correctional facilities and diversion programmes within institutional settings across India. Participants came from a range of demographic backgrounds in terms of urban-rural residence, educational status, family structure and socioeconomic position.

Alongside the offender interviews, psychological assessment was given to school going adolescent populations using a structured psychometric booklet containing validated questionnaires assessing behavioural problem, conduct disorder symptoms, and risk indicators. The purpose of the school-based assessment was to place offender-reported risk factors in the context of population norms, so that risk profiles could be identified that separate behaviorally

deviant from non-deviant adolescents.

### **3.2. Data Collection Procedures**

Semi- structured interviews with adolescents in conflict with the law were conducted following a flexible guide related to:

- family structure, parental relationships, and early childhood experiences (including trauma, witnessing domestic violence, parental substance abuse, or parental incarceration);
- peer relationships, peer pressure, and delinquent peer association;
- media exposure (pornography, internet access, social media);
- sexual history, sexual knowledge sources, and the circumstances of the index sexual offence;
- substance use and other delinquent behavior; and
- attitudes to sexuality, victim impact, and personal interviews lasted on average 60-90 min and were conducted by the trained researchers in settings conducive to assured confidentiality and psychological safety.

Assent was obtained from all participants after a detailed explanation of research procedures and confidentiality protection. School-based psychological assessments are based on structured questionnaires which are administered in group settings and include measures of behavioural and conduct problems, emotional regulation, peer relationships and family functioning. Assessments were carried out with ethical oversight, and the informed consent of participants and schools.

### **1.3. Thematic Analysis/Conceptual Development**

Data analysis was carried out using reflexive thematic analysis, which is a six-step process (Braun and Clarke, 2019). The process involved:

1. familiarisation with raw data through repeated reading of interview transcripts and

assessment responses;

2. generation of initial descriptive codes representing explicit content and latent meanings (eg, codes for "peer pressure," "parental absence," "pornography exposure," "feelings of invincibility," "victim justifications");
3. collation of codes into provisional themes through grouping related concepts together (eg, codes for parental absence, family conflict and parental substance abuse grouped into the theme "Broken Family Systems");
4. review and refinement of themes to ensure internal consistency, mutual exclusivity and coherence

The analysis was reflexive throughout, keeping in mind the theoretical commitments of researchers (developmental criminology, RNR framework) while also paying attention to data that challenged or complicated them. Researcher positionality because of the clinicians' and forensic professionals' training in juvenile rehabilitation informed their sensitivity to trauma dynamics, cognitive distortions and potential for remendability.

Quality safeguards included triangulation (association of offender interview data and school-based psychological assessment data), member checking (identifying elements common to participants and correctional staff for validity confirmation) and peer debriefing (themes were reviewed and discussed with research supervisors and criminology colleagues not involved in data collection).

### **3.4. Ethical Considerations**

Research involving incarcerated and conflict-involved adolescents carries with it increased ethical concerns. The study had institutional ethics approval and followed strict protocols of:

1. informed assent from adolescents, with explicit explanation of voluntary nature of participation and that non-participation would not affect legal proceedings or institutional treatment;
2. confidentiality protections with all identifying information removed and replaced by research identifiers;

3. cultural sensitivity, adapting language and content of interviews to level of understanding and social context of adolescents;
4. trauma-informed practices, with trained interviewers recognising and responding to signs of distress, and with access to counselling support provided; and
5. careful data storage and access restrictions, with access to data limited to core.

#### **4. Findings: Six Criminogenic Risk Pathways**

Analysis of the data obtained from structured interviews and psychological assessment revealed six interdependent, mutually reinforcing criminogenic risk factors associated with sexually deviant behavior. These factors are conceptualized as dynamic developmental pathways as opposed to static variables, thus emphasizing their changing nature in the adolescent population.

##### **4.1. Association with Peers and Delinquent Peers**

Finding: The overwhelming predominance of the role of peer influence and the desire for peer acceptance as the leading factors in the etiology of both generalized delinquency and sexual transgression was stated by adolescent participants. Peer-groups set the normative patterns around sexual activity, the consumption of pornography, substance uses, and being disrespectful to females, and individual adolescents sought validation by engaging in such behaviors.

One participant, in reflecting on his path into delinquency and sexual aggression, told the story:

*"Sometimes I damage the property in the school, fight with friends in school and neighborhood . . . because of peer influence." Together with my friends, I also drink and watch adult movies. The group needed me to prove that I was one of them. If I didn't take part in it, they would make fun of me, call me a coward, not let me sit with them at lunch. So, I did it."*

Another described the process of normalization within the peer groups:

*"When my friends started watching these videos, the first thing I saw was a desi porn, I was hesitant but they said everybody watches it, if you're a real man, you'll watch it too. So, I started. Then they said if you watch you must do it too. That's when things changed. The videos*

*made it like, 'oh yeah that's something all guys do.'*"

Peer mediated risk seems to work in various ways. First, social reinforcement: those peers who engaged in sexual aggression, substance abuse, or pornography viewing are valorized as "cool," "tough," or "manly," and offer powerful social rewards. Second, normalization: when informed about their sexual transgression by peers (jokes about girls, unwanted touching, pornography sharing), this creates a social environment where it appears normative, rather than deviant. Third, direct coercion: adolescents reported peer pressure to engage in sexual activity ("prove you're not gay", "show you're a man") or explicit threat (exclusion, mockery, physical intimidation).

Findings from psychological assessment data from school-going populations suggested that adolescents with high peer delinquency scores also had high conduct problems, oppositional defiant behaviours and substance use indicators consistent with the peer influence pathway. Of particular note is that adolescents from lower socioeconomic backgrounds and those attending under-resourced schools showed stronger associations with peer delinquency, indicating that the marginalization associated with socioeconomic status increases the effect of peers on the risk factors.

#### **4.2. Pornography Consumption and Digital Sexual Exposure**

Pornography consumption turned out to be a near universal risk factor with 88% of interviewed adolescents having regular viewing of pornography before their index sexual offense. Crucially, pornography was not experienced as an individual choice but as a peer-driven and normative behaviour accessed via mobile devices, the internet and peer-sharing networks.

Escalation pattern was described by the participants:

*"Initially it was simply out of curiosity. My friend showed me one video on his mobile. I watched it once, and then again and then more. Every time we were together we'd watch. It became like a habit, like brushing teeth. The videos had these things occurring, so when my head thought of a girl, the first thing I thought of was that."*

Another participant put the replicative mechanism as:

*"The videos showed the girl enjoying, like wanting, it." In real life when I was approaching a*

*girl who said no I thought maybe she was just pretending like in the videos. The videos made me think that it is okay."*

Important observations from the interview analysis:

1. Early exposure: Most participants reported first viewing pornography at the age of 12-14 years old, and most of the time they were exposed through peer channels, not by seeking it out on their own. Early exposure was a predictor of long duration of consumption and of greater current frequency.
2. Escalation to violent/coercive content Initial exposure to non-violent pornography often escalated to increasingly violent and coercive pornography. Participants described desensitization - "the normal videos stopped being interesting; I needed the more hardcore ones."
3. Script internalization: Participants articulated internalization of pornographic sexual scripts, in which coercion, aggression and violation of consent were cognitively linked to sexuality and sexual excitement. One participant stated: "When I thought about having sex the first images in my mind were from those videos - rough, aggressive, not asking the girl if she wants it."
4. Cognitive distortion about consent: Pornography viewing was highly linked to cognitive distortions regarding female sexuality and consent. Participants often enunciated beliefs such as "girls say no but mean yes," "women enjoy being forced," "resistance is just playing hard to get"-scripts, direct imitations of pornographic storylines.
5. Disinhibition mechanism: Several participants referred explicitly to pornography as psychologically disinhibiting - or lowering inner restraints against sexual aggression. As one stated: "After watching those videos, when I was feeling desire I didn't think about consequences, I didn't think about the girl's reaction". The videos had already been showing it happening, so it seemed possible, not impossible.

Psychological assessment data showed that adolescents with a high frequency of pornography exposure (> 3 hours/week) showed higher aggression scores, higher levels of tolerance of violence, and reduced levels of empathy scores than a comparison group with low exposure, a

finding consistent with meta-analytic data on the effects of pornography.

### 4.3. Vertical Individualism and the Egocentrism of Adolescents

Finding: Interview data indicated a unique cognitive profile involving increased self-focus, self-perception of invincibility and exaggerated importance of peer perception - constructs that are consistent with adolescent egocentrism and what participants narrative data suggest as "vertical individualism" (increased self-regard and decreased regard for others welfare).

Participants often expressed the "personal fable" - a feeling that the normal rules and consequences did not apply to them:

*"I knew what I was doing was wrong but I thought I was different. Rules didn't apply to me as they did to others. Other guys got caught and I thought I was smarter, too smart to get caught. Even when I was doing it, part of me thought that I was untouchable."*

Another described the imaginary audience effect -- an exaggerated sense of being looked at and being judged:

*I had to be tough like I didn't care about anything. My friends always were watching to see if I would back down. I couldn't make them believe I was weak or scared or that I cared about the girl's feelings. That would make me look bad."*

#### Key observations:

1. Distorted self-perception: Considerable proportion of participants reported an inflated self-image that was in contrast to their social reality. They described themselves as "special," "different," and "destined for more," and engaged in behaviors that put them on the margins of society.
2. Empathic deficits consistent with egocentrism: When asked about the effect of their behavior on the victims, subjects often tended to minimize damage ("she wasn't really hurt", "she's fine now", "she didn't cry, so it can't have been so bad"), or shift an emphasis to themselves ("but I'll be the one punished", "my life is ruined"). This is the pattern of difficulty in perspective-taking, and emotional understanding of other people's experiences - both adolescent egocentrism and antisocial cognition.

3. Risk-taking despite acknowledged danger: Participants acknowledged the possibility of arrest for perpetrating sexual aggression, but said they believed they were immune: "I knew other guys got arrested, but I thought I would get away with it."
4. Performative masculinity: One theme that was particularly salient was the need to perform toughness and sexual prowess for peer audiences. As one participant explained: "Saying no to having sex, or caring about a girl's feelings, would make my friends think I was gay, or weak." So, I had to go with the group, and do what they said, even when there was a part of me that knew it was wrong."

Psychological assessment data suggested that adolescents with high scores on measures of egocentrism as measured by deficits in perspective-taking and entitlement beliefs also obtained high scores on measures of conduct problems and on measures of social dominance orientation, thus supporting the link between egocentrism and antisocial behaviour.

#### **4.4. Broken Family Structure and Parental Dysfunction**

Finding: Family disruption proved to be a near universal precursor with 85% of the interviewed adolescents reporting significant family dysfunction including parental separation or divorce, parental death, parental incarceration, or parental substance abuse. These disruptions in structure and function removed parental monitoring, moral guidance, and emotional support, leaving adolescents to risk recruitment from peers and risk-taking.

Participants were asked to describe trajectories of family dissolution: "My father died when I was eight." After that, my mother needed to work all day (two jobs in some cases). My bigger brother was supposed to look after me but he was busy. I'd come home after school and there was nobody there. I'd go to my friend's house and that's where I started watching these videos getting into trouble."

Another participant described parental substance abuse: "My father was a drunk all the time." He would beat my mother and me. My mother was so depressed that she did not even care where I went or what I did. School, home, nothing was important to her. So I started spending all my time with my friends and that's when everything changed - drugs, girls, all the bad stuff."

#### **Key observations:**

1. Loss of monitoring and supervision: Parental absence - either because of parental work

demands, incarceration, death, or psychological unavailability (depression, substance abuse) - led to the virtual disappearance of parental supervision. Participants were in unsupervised free time, had access to pornography and peers, and little accountability.

2. Emotional deprivation and peer-seeking: A number of participants shared that they looked to peers for emotional connection and validation after losing parental attachment or supportive relationships. The peer group emerged as the most important context of belonging, status and identity, making adolescents especially prone to the influence of peer norms relating to sexuality and aggression.
3. Intergenerational trauma and domestic violence: Sixty percent of the adolescents interviewed reported witnessing domestic violence between the parents and sixty-five percent reported experiencing physical abuse themselves. Witnessing or experiencing violence normalized aggression as a conflict resolution strategy; infancy and childhood disrespect towards intimate partners (usually mothers); and trauma-related dysregulation.
4. Parental criminality: Thirty-five percent of the participants had fathers who had criminal convictions; fifteen percent had mothers with criminal histories. Parental criminality acted as a normalising influence and in some cases as explicit modelling (e.g. fathers teaching sons "how to get away with things".)
5. Low parental sexual health education: Throughout the interviews, parental absence was extended to sexual health communication. Participants reported that parents never talked about sexuality, relationships, consent, or sexual ethics, so they were completely reliant on their peers and pornography for sexual knowledge. As one said: "My mother would never talk about sex with me." That's not something we did. So all my learnings came from my friends, those videos.

Psychological assessment data from school populations showed that adolescents from broken families (single, grandparent and multi disrupted) scored significantly higher on behavioural problems, emotional dysregulation and peer delinquency scales than those from intact families.

#### **4.5. Socioeconomic Deprivation and Poverty**

Socioeconomic deprivation worked in several ways: less supervision (parents worked multiple

jobs), less opportunity (no after school activities, recreational alternatives), more family stress (financial stress leading to parental substance abuse and domestic violence). Poverty related educational deprivation resulted in adolescents being prone to sexual misinformation and predatory peer influence.

Participants stated the mechanisms: "My parents both worked all day." We lived a small place with many people - my parents, my siblings, cousins, everybody. There was no privacy, there was no space to study or do anything. So we all got out and loafed around on the street. That's where I was learning about girls and sex and drugs - everything bad."

Another described educational deprivation: "My school was very poor." Teachers did not teach properly. We didn't learn about health, or sex, nothing. So, when my friends told me things about girls and sex, I thought it because I didn't know better.

**Key observations:**

- Opportunity reduction through constraint: Low-income families usually do not have the resources to pay for youth sports, tutoring, music lessons or supervised after-school activities. Adolescents Free time is unstructured and peer directed, which greatly increases their exposure to delinquent peer networks and risk-taking.
- Environmental crowding & reduced privacy: In slums and poor urban/rural areas, crowding (more families in one room) paradoxically accompany lack of parental oversight, and the situation is actually created in which adolescents have opportunities for sexual activity without parental knowledge or consent.
- Parental economic stress and family instability Economic stress is linked to parental mental health issues, substance abuse, and domestic violence - all factors shown to be risk factors for family dysfunction.
- Educational deprivation and misinformation: Adolescents from low income backgrounds were less likely to get comprehensive sex education in school settings and relied totally on peer information, which was often inaccurate or exploitative.
- Reduced help-seeking and support: Economic constraints have been shown to reduce the ability of adolescents to access mental health, family counselling and social support

services, and thereby their ability to deal with the trauma, develop coping mechanisms or disengage from delinquent peer networks.

Psychological assessment data showed robust associations between socioeconomic deprivation indices (parental education, occupation, household income and both conduct problems and peer delinquency) - low-income adolescents had about 2-3 times greater prevalence of behavioural risk factors.

#### **4.6. Trauma and Victimization in Early Childhood**

Early experiences of sexual abuse, physical abuse, witnessing family violence, and other traumatic experiences were almost universal in the 10 interviewed adolescents: 78% reported at least one significant trauma exposure. Multiple mechanisms of operation of trauma appeared to be:

1. emotion and impulse control dysregulation, which makes the individual more likely to be influenced by peers and to engage in risky behaviour;
2. internalisation of abuse as normative sexuality;
3. trauma-related isolation, pushing the adolescents into peer networks likewise exposed to trauma and delinquency;

Participants characterised childhood sexual abuse:

*"When I was 8 my uncle used to do things to me. He told me that it was normal, that this is what happens to boys. I didn't understand. When I got older and I learned what it was I felt ashamed. But I also started thinking about it, having dreams about it. When I reached adolescence and I began to desire sex, those memories returned. It was confusing."*

Another described trauma-associated dys regulation:

*"I had the angry side since when I was young. I could go from okay to furious in seconds. My teachers said I had problems with anger. I didn't know how to control it. When I was feeling angry, I would hurt people. One time I hurt a girl because she said a comment that made me mad. I wasn't thinking about right or wrong - I just wasn't thinking about anything - except the anger."*

**Key observations:**

1. High prevalence: High prevalence of trauma exposures among adolescents interviewed in this study (78, 31/40) ranged from 15-25% for the general population. This dramatic over-representation is consistent with the research literature on the risk factors for sexual offending trauma.
2. Type of trauma exposure: The most common were witnessing domestic violence (65%), experiencing physical abuse (58%), experiencing sexual abuse (48%) and parental death/incarceration (50%). Multiple and cumulative exposures were the norm (mean 2.4 trauma types per participant).
3. Internalisation of abuse: A number of participants who had experienced childhood sexual abuse reported a disturbing internalisation process whereby the abuse was internalised in their self- concept and sexuality. One stated: "The abuser told me it made me a man that it was something special that happened between us." Later on when I was adolescent and thinking about sex those ideas were still there. It was twisted."
4. Emotion dysregulation: Trauma-exposed adolescents reported poor emotion regulation and especially anger. Several reported acting in sexually aggressive ways under conditions of increased anger or emotional stress - or in other words, sexual aggression was partly an expression of unmanaged dysregulation.
5. Differential vulnerability by type of trauma: Adolescents that were sexually abused demonstrated a particularly high risk for sexual offending consistent with the literature on the abused-abuser relationship but with the important caveat that not all adolescents who have been sexually abused become sexual offenders, suggesting that other mediating variables (peer influence, substance use, family support) acted to moderate the outcome.
6. Peer network gravitation: Trauma-exposed adolescents very often reported that they gravitated towards other delinquent, trauma-exposed peers - both as a mechanism of normalisation ("my friends had been through stuff too") as well as a way to carry on victimisation and involvement in criminal activity.

## 5. The Convergent Nexus: Antisocial Cognition as a Mediation Process

### 5.1 Distorted Patterns of Thinking and Cognitive Distortions

Across the 6 risk pathways, a common psychological feature emerged: antisocial cognition, including cognitive distortions, moral disengagement, empathic deficits, and entitlement beliefs. These distorted ways of thinking seemed to mediate the link between the distal risk factors (poverty, trauma, peer influence) and actual sexual aggression.

Participants verbalized four types of cognitive distortions:

1. Denial and Minimisation: Perpetrators minimised the harm they were doing to victims, denied the severity of the harm, or denied that it was a form of coercion:

*She said no but girls say no when they mean yes. I've seen it on movies; I've seen it in life. She was only playing hard to get. It wasn't rape - she could have screamed or run but she didn't. So how was it really that bad?"*

*It was a simple kiss; it was just touching. It's not like I actually did anything bad. She's being like I murdered her. It wasn't that big a deal."*

2. Victim Blame: Perpetrators shifted the responsibility to victims; attributing their own behaviour to victim provocation:

*"She was wearing these clothes, the short dress. She was inviting me. How could I not react? "If you dress like that you're asking for it."*

*"She kept texting me and calling me and flirting. She wanted it. But then when I reacted and showed her, she said no. She confused me on purpose."*

3. Entitlement and Justification: Perpetrators held beliefs about their needs, desires or circumstances that justified violation:

*"I haven't had sex. My urges are very strong. It is not fair that I have to stay alone; Other guys have girlfriends. Why should I suffer?"*

*"I'm poor, from a bad family. Society has been unjust to me. So, if I take what*

*I want from girls it's not really wrong because society already wronged me."*

4. Disregard for Victim Impact: Perpetrators exhibited low ability to recognize victim psychological/emotional victimization, specifically in regard to non-consensual sexual contact:

*"She's fine now. I didn't hit her hard enough to make marks. So, there's no real damage."*

*"She was able to walk away, go to school the next day. So, it couldn't have been that traumatic. If it was really bad, she'd still be crying."*

## **5.2. Antisocial Attitudes and Beliefs Regarding Sexuality, Gender and Consent**

Beyond offering examples of cognitive distortions, a large percentage of participants expressed explicitly antisocial approaches to sexuality and gender relations. These included misogynistic beliefs that reduce women to objects, for whom the only purpose is to satisfy men, rape myths that suggest that women secretly desire to be raped and that women who resist are "testing" men, and denigration of female sexual agency and decision-making capacity.

And one participant expressed a misogynistic belief system:

*"Woman's first duty is to give pleasure to a man. That is how nature has characterized her. Therefore, when I approach a woman, it is expected that she will comply. If she does not want to, she is going against nature and I have the right to show her what nature is."*

Another participant supported rape myths:

*"At some deep level, all women want to be forced. That is their fantasy. Even if she says no, she is imagining you forcing her. It is a game. Consequently, when she says no, I ignore it as that is what she wants."*

## **5.3. Moral Disengagement and Meaning Making Reconstruction**

Applying Albert Bandura's framework of moral disengagement, the interview analysis showed how adolescents psychologically "turned off" their own moral standards to sexual harm. The mechanisms that were identified were that of moral justification ("I was simply trying to act as

a real man, just as my peers expected"), euphemistic labelling ("it was merely masti, not rape"), advantageous comparison ("I did not assault her like some other boys, so I am not that bad"), displacement of responsibility ("my friends told me to do it; it is their fault"), minimisation of consequences (down-playing victim harm) and dehumanisation (portraying victims as less deserving of moral consideration).

## **6. Discussion: Implications of Legal and institutional response**

### **6.1. The POCSO Framework in Context of Evidence of Criminogenic Risk**

The criminogenic risk factors that have been identified (peer association, exposure to pornography, family dysfunction, trauma, socioeconomic disadvantage, and antisocial cognition) are dynamic and amenable to remediation through evidence-based intervention. Developmental criminology and the Risk-Need-Responsivity model dictate that juvenile offenders receive interventions that are tailored to their criminogenic needs: cognitive-behavioral treatment to address faulty thinking, family-based interventions to address parental dysfunction, peer support groups to replace delinquent peer influence, and psychosocial services to address trauma and emotional dys-regulation.

POCSO's approach of prosecution - and - incarceration of persons directly works against these evidence-based recommendations. Prosecution does nothing to respond to any of the criminogenic needs identified, but incarceration makes many of them worse: it emphasizes peer delinquency (juveniles in detention are in contact with persons more criminally sophisticated and violent than themselves), it eliminates family contact (further disrupting already tenuous family bonds), and it solidifies an antisocial identity (labels the adolescent "offender" rather than responds to underlying risk factors). Meta-analytic findings on juvenile justice interventions show that prosecution-focused interventions are more effective than treatment-focused interventions, especially for youth with multiple risk factors (trauma, poverty, delinquency among peers) (Assink et al, 2015).

### **6.2. Identifying Predatory and Consensual Behaviour: The Age-Proximity and Consent Problem**

A critical unresolved issue is that POCSO fails to differentiate between predatory sexual offending (in which the perpetrator is substantially older than the victim, force or coercion is

used, and a power differential is employed, and there is an intent to harm or lack of regard for consent) and consensual adolescent sexuality (mutually initiated contact between age-proximate peers, force and threats are not employed, and willing participants are involved).

Interview data show that adolescents engaging in consensual sexual contact with others of the same age have a different risk profile than do those committing predatory assault. Consensual peer relationships were frequently initiated by the peer (or initiated mutually), involved no force or coercion, and contained none of the cognitive distortions often present in predatory offending (victim blame, entitlement, dehumanisation). When asked about consensual peer relationships to the participants, they were often confused about criminalisation: "She wanted it too. We both wanted it. Why is it a crime?"

In contrast, adolescents responsible for predatory offending against significantly younger children had more pronounced antisocial cognition, greater empathic deficits and increased sexualisation of violence/elaborated justification systems.

The distinction is both clinically and legally important. "Sex-plus" offenders (whose sexual offending co-occurs with characteristics of general delinquency and antisocial personality) and offenders with significantly younger/vulnerable victims should receive intensive, long-term intervention. Adolescents involved in consensual peer relationships need psycho-education, family involvement and support, not incarceration and life-long sex-offender registration.

### **6.3. Criminalising Agency: Implications for Adolescent Development**

A deep concern that emerges from this analysis is POCSO's implicit denial of adolescent agency and capacity to make decisions. While the need to protect minors from exploitation is important, the law's denial of consent capacity in the blanket sense-the legal fiction that all people under the age of 18 are incapable of any sexual decision-making whatsoever-contradicts research in developmental psychology, as well as in international human rights frameworks.

The UN Convention on the Rights of the Child explicitly recognises "evolving capacities" of children and adolescents, and stresses that capacity develops progressively throughout childhood and adolescence. By ages 16-18, normative adolescents have considerable capacity for informed decision making, including in relation to their relationships and sexuality (although their judgment may be incomplete - and continues to develop up to the mid-20s).

Denying this capacity altogether makes adolescents into purely passive and incapable things - an infantilisation that is out of keeping with their social and cognitive reality.

Moreover, adolescent exploration of sex and romantic relationships is recognised by developmental psychology as a normative and necessary stage of identity formation and a healthy phase of transition to adulthood. The qualitative interviews showed that adolescents engaged in consensual sexual contact usually perceived it to be a meaningful exploration of relationships and sexuality, rather than victimisation. Criminalising this exploration causes secondary victimisation in terms of the legal process itself.

#### **6.4. Prosecutorial Overkill: The Caseload and Victim Centred Justice Problem**

An unintended consequence of POCSO's long reach is massive court overkill, with precious judicial resources used up by consensual teenage relationships cases while real cases of abuse languish. Furthermore, there is a conflict against victim-centred justice when alleged victims actively oppose prosecution. In 82 per cent of the cases of consensual relationships, the allegation is refused and the alleged victim is opposed to testify and is against conviction but mandatory prosecution occurs regardless. This is an inversion of victim centred principles; the state/parental interest in control is considered more important than the wishes and welfare of the adolescent themselves.

### **7. Policy Recommendations: Taking a Reorientation Towards Risk - Need - Responsivity and Protective Intervention**

#### **7.1. Decriminalization of Consensual Adolescent Relationships Through Close-in-Age Exemptions**

Drawing on international comparative law (Canada, much of Europe, Australia) and human rights frameworks, India should amend POCSO to include close-in-age exemptions—provisions that consensual sexual contact between adolescents within a defined age proximity (e.g., within 3–5 years) is not criminal. This reform would:

- Protect genuine cases of exploitation (where predatory perpetrators target significantly younger/vulnerable victims) while decriminalizing normative adolescent relationships.
- Recognize adolescent agency and evolving capacity, aligning legal framework with

developmental psychology.

- Reduce prosecutorial burden, freeing judicial resources for genuine abuse cases.
- Eliminate parental misuse of POCSO as a mechanism of control against inter-caste, interfaith, or cross-class relationships.
- Protect adolescents from lifelong sex offender registration for normative developmental behavior.

## **7.2. Implementation of Risk-Need-Responsivity Assessment and Differential Response**

POCSO implementation should be reformed to include structured risk assessment (determining whether the offense was predatory or consensual, whether the perpetrator shows high vs. low general criminogenic needs). Based on risk assessment, cases should be diverted from prosecution toward:

- Restorative justice approaches (victim-offender dialogue, community accountability) for lower-risk, consensual-relationship cases.
- Family-based intervention addressing parental dysfunction, lack of supervision, and parental sexual health communication.
- Cognitive-behavioral intervention targeting distorted thinking patterns and prosocial skill-building.
- Substance abuse and mental health treatment addressing co-occurring disorders.
- Peer support and positive mentoring replacing involvement in delinquent peer networks.

## **7.3. Family-Centered and Trauma-Informed Interventions**

Given the pervasive role of family dysfunction and early trauma in the risk pathway, institutional response should emphasize family-based intervention including:

- Functional Family Therapy (FFT) and Multisystemic Therapy (MST), both evidence-based models with demonstrated effectiveness in reducing delinquency and sexual

offending in adolescents.

- Parental engagement and psychoeducation addressing (a) sexual health communication gaps, (b) monitoring and supervision, (c) trauma-informed parenting for parents with their own trauma histories.
- Family-based violence prevention addressing domestic violence, physical discipline, and intergenerational trauma transmission.
- Trauma-focused cognitive-behavioral therapy (TF-CBT) for trauma-exposed adolescents, addressing PTSD symptoms and dysregulation.

#### **7.4. Comprehensive Sex Education and Digital/Media Literacy**

Given the strong association between pornography exposure, peer influence, and sexual aggression, institutional response should include:

- School-based comprehensive sex education that is developmentally appropriate, covers consent and respectful relationships, and is evidence-based (not abstinence-only).
- Pornography literacy and media critique in school settings, teaching adolescents to critically analyze pornographic content and recognize its departure from healthy sexuality.
- Peer influence and healthy masculinity programs that counter misogynistic peer norms and model respectful sexuality.

#### **7.5. Institutional Capacity and Training**

Implementation of these reforms requires substantial investment in:

- Specialized juvenile justice training for police, prosecutors, judges, and social workers on developmental criminology, adolescent risk assessment, and trauma-informed practice.
- Creation of specialized juvenile sexual offending units with expertise in risk assessment, forensic interviewing, and evidence-based intervention.

- Psychosocial services infrastructure (school counselors, mental health clinicians, trauma specialists) to deliver intervention.
- Peer mentoring and community support programs providing positive peer alternatives and reducing isolation.

## **8. Limitations and Future Directions**

### **8.1. Limitations**

There are several limitations to this qualitative study in which it gives rich narrative insight into criminogenic pathways:

1. Sample representativeness: The study included 40 adolescents from institutional settings and they may not represent all adolescents displaying sexually deviant behaviour, i.e., those not apprehended, those in diversion programmes or those from privileged backgrounds. Findings should be construed as exploratory rather than population characteristics.
2. Retrospective recall: Interview data were based on adolescent reminiscence of childhood events, peers, and motivations. Recall bias, especially with childhood trauma and family situation, is a known bias of retrospective data.
3. Social desirability and disclosure bias: Adolescents in custodial settings may under-report or misreport some risk factors (substance use, violence, victim impact) because they are concerned about legal consequences or social desirability.
4. Comparison group absence: The study did not have a comparison group of non-offending adolescents to determine whether both identified risk factors are particular to sexual offending or risk factors for delinquency in general.
5. Causal claims: The qualitative and cross-sectional study design cannot establish causal relationships. The pathways identified suggest associations and mechanisms but need to be studied longitudinally to ensure the causal direction.

### **8.2. Future Research Directions**

1. Longitudinal studies that follow criminogenic risk factors in a prospective manner from

childhood through adolescence and into the early adult period, which allow determination of developmental trajectories and causal mechanisms; and

2. Comparison between sex offences and sex offences including other factors (e.g., age, race, religion, etc.) specifically investigating whether there are differences in risk factor profiles and whether recommendations for intervention are warranted for distinct types of offenders.
3. Efficacy trials of RNR based, family centered interventions in reducing recidivism and improving adolescent outcomes compared to traditional prosecution based approaches.
4. Qualitative research with young people who have been victims of criminalisation for consensual relationships and of genuine sexual assault, to obtain the views of the victims about the legal response and the psychological impact.
5. Policy analysis and implementation research of outcomes of jurisdictions that have implemented close-in-age exemptions or risk-based differentiation in POCSO application.

## **Conclusion**

Adolescent sexual deviance exhibits a complex interconnectedness of risk pathways (peer affiliation, exposure to pornographic material, familial dysfunction, and socioeconomic deprivation, traumatic experience, and individualistic orientation) that culminate in distorted antisocial thinking. These criminogenic determinants are to a large extent dynamic and therefore open to remediation through empirically proven psycho-social interventions.

The Protection of Children from Sexual Offences Act (POCSO), although it was promulgated with an agenda of protection, has become a vehicle of legal overreach and criminalised consensual romantic and sexual engagements among adolescents as well as instigated prosecution-centric responses to the problem without addressing any of the identified criminogenic needs. A significant proportion of POCSO registrations are based on consensual peer relationships between minors, instigated by parents or relatives in an attempt to control, and are disputed by the alleged victims themselves; however, the mandatory prosecution takes place anyway, causing secondary victimisation and using up judicial resources.

Evidence based reform of juvenile justice requires a fundamental shift; from a prosecution based criminal paradigm to a risk informed, developmental paradigm. This paradigm shift entitles the following measures: (1) the decriminalisation of consensual adolescent relationships through close in age exemptions; (2) the introduction of structured risk assessments to differentiate between predatory behaviour and consensual behaviour; (3) the diversion of lower risk cases to family centred, trauma informed interventions; (4) the provision of comprehensive sexual education and pornography literacy programmes; and (5) the allocation of resources to psychological and psychosocial services which address the root criminogenic determinants.

Such reforms would better achieve the avowed purpose of POCSO, that is, to protect children from harm by sexual abusers, while at the same time respecting adolescent autonomy, maximising the use of institutional resources, and aligning legal responses with the latest insights of developmental criminology and evidence based practices. The stakes are considerable: an entire generation of adolescents is at stake in legal and institutional mechanisms that will distinguish between what is authentic abuse and what is part of normative developmental behaviour, what addresses the causes of abuse rather than punishment, and what views adolescents as evolving human actors rather than incapacitated entities. The empirical clarity of this necessity is beyond any doubt; the institutional and political will to carry out this reform remains as the major stumbling block.

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