
BROKEN HOMES, BROKEN LAWS: THE COLLUSION OF FAMILY STIGMA AND LEGAL DRAWBACKS IN CASES OF CHILD ABUSE

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ABSTRACT

Child abuse inside families is one of the harshest realities that contradicts the idea of the home as a safe space. In India, even with strong laws such as the POCSO Act, the Juvenile Justice Act, and provisions of the IPC, the problem continues. The issue is not only the act of abuse itself but also the silence that surrounds it. Many cases remain unreported because the families are more concerned about losing their reputation in society, as the honour of a family is valued significantly than a child's right to justice and safety. Beyond that, it is also seen that the victims of trauma are frequently left to suffer in silence with few opportunities for recovery or legal assistance. Although India's legal system seems solid on paper, the societal stigma, lengthy court cases, weak enforcement, and reluctant family members to pursue justice compromise the system's effectiveness. This study examines the ways in which cultural taboos and legal flaws work together to silence children and erode the legal protections that are promised. The paper discusses these gaps and recommends legal changes prioritising the child's right to justice and safety over family honour by drawing on critical legal precedents, legislation, and academic research. On top of that, it offers workable legislative and policy solutions to guarantee that children's safety becomes a reality.

Keywords: Child Sexual Abuse, Family Honour, Underreporting, Trauma, Intra-familial Abuse

Introduction

The "home" is a place of safety, love, security, and unconditional backing in the minds of most people. However, this assumed peaceful haven turns into a place of fear and immorality for many young children. The World Health Organisation (WHO) reports that over one in four adults worldwide can recall experiencing physical abuse as children, and millions more bear the unseen wounds of unreported sexual and psychological abuse. In India, where social respect and family reputation typically take priority over a child's begging for justice, such pain is usually masked under layers of silence, shame, and rejection.

The reality is that abuse frequently originates within the family rather than from outsiders makes this silence even more heartbreaking. Close family members, including cousins, uncles, and in some horrifying situations, even fathers or grandfathers, sexually harass or assault a lot of youngsters. These family members turn into dangers rather than protectors and the location that should have protected the youngster instead becomes an eternity of hell. However, families frequently suppress disclosure, shut down the child's voice, and let the cycle of abuse continue unchecked for years in the sake of honour, lineage, or societal status. This shame worsens the trauma, leaving victims devastated not only by the abuse but also by the terrible realisation that their self-worth was taken away and their suffering is neglected in order to preserve the family's reputation.

India has implemented significant laws to safeguard children, such as the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), the Juvenile Justice (Care and Protection of Children) Act, 2015, and sections 375–376 (rape) and 354 (outraging modesty) of the Indian Penal Code (IPC). The rights to equal treatment, non-discrimination, and life and dignity are guaranteed under Articles 14, 15, and 21 of the Constitution. In theory, the legislation seems strong. Yet, these protections frequently fall short because justice is hindered by shame, silence, and badly written gaps. Courts may hesitate to convict without corroborative testimony, families urge forgiveness “for honour’s sake,” and institutions designed to protect children falter in implementation.

This study argues that the issue is not just violent crimes but also the pervasive silence surrounding them by households and the errors of the law. The law itself becomes complicit in perpetuating abuse when honour takes priority over protection and when stigma and legal loopholes undermine laws. Therefore, the research intends to critique and analyse these

shortcomings, investigate the ways in which systemic weakness and family quiet conspire against the child's rights, and propose reforms that put the child—not the family's reputation—at the core of justice.

Sexual assault is defined as any act where a person commits a sexual act upon another by threatening or placing that person in fear, making a fraudulent representation that the act serves a professional purpose, or inducing belief by deception. It also includes committing a sexual act without the consent of the other person, or when the person is asleep, unconscious, or otherwise unaware that the act is occurring. Additionally, sexual assault covers acts where the person committing the act knows or reasonably should know that the other person is incapable of consenting due to impairment caused by drugs, intoxicants, mental disease or defect, or physical disability, and the condition is known or should be known by the perpetrator. Such acts constitute sexual assault and carry criminal punishment as directed by appropriate authorities.¹

Child abuse refers to violent and inhuman behaviour that adults exhibit towards children, including physical, sexual, and psychological abuse, and neglect. It includes traumatic incidents in which parents, stepparents, elder siblings, teachers, coaches, religious leaders, police officers, judges, and other adults in charge of a child's care threaten or hurt the youngster. Child abuse can happen in several contexts, such as households, businesses, foster care facilities, schools, churches, and legal institutions.²

Sexual abuse involves explicitly engaging a child in sexual behaviour by an adult or older person who has power or authority over the child or is entrusted with the child's care. The intent behind such abuse is typically the adult's pleasure or financial gain. This form of trauma involves exploiting the child's trust, often called betrayal trauma.³

Child abuse is an umbrella term encompassing four types of mistreatment: physical abuse, sexual abuse, emotional abuse, and neglect. Children may suffer multiple types simultaneously. Abusers range from parents and family members to caretakers like teachers and babysitters,

¹ United States Code. (n.d.). 10 U.S. Code § 920 - Art. 120. Rape and sexual assault generally. Cornell Law School. Retrieved September 15, 2025, from <https://www.law.cornell.edu/uscode/text/10/920>

² The Law Dictionary. (n.d.). Child abuse. Retrieved September 15, 2025, from <https://thelawdictionary.org/child-abuse/>

³ International Society for Traumatic Stress Studies. (n.d.). Childhood trauma. Retrieved September 15, 2025, from <https://istss.org/public-resources/trauma-basics/childhood-trauma/>

acquaintances, and occasionally strangers.⁴

The term "child abuse" refers to any physical, emotional, or sexual mistreatment or neglect of a child by a parent or caregiver that causes harm, exploitation, or the imminent threat of damage, which can occasionally result in death. Although child protection laws aim to protect children, they also allow parents to discipline their children whenever they see fit.⁵

Statement of problem

Despite India's strong legal framework, child abuse is still not adequately addressed and is underreported. According to secondary sources, barriers which includes social shame, fear of retaliation, cultural taboos, and a lack of support systems keep victims from stepping forward and discourage families from approaching the authorities. The lack of prompt medical, psychological, and institutional assistance retraumatizes victims and undermines prosecutions, even in cases where abuse is recorded. This paper aims to examine the errors in the legal system, draw attention to the influence of cultural and familial obstacles to reporting, and make recommendations for changes that would guarantee that all children have practical access to legal safeguards.

Research questions

1. In what ways does India's current legal system, in particular the POCSO Act of 2012, tackle child sexual abuse and provide victim protection?
2. How does the lack of reporting of child abuse cases emerge from social shame, cultural taboos, and family stigma?
3. Despite their comprehensive statutory design, which legal and procedural shortcomings make it challenging to enforce child protection laws?
4. What policy improvements or reforms will bridge the gap between the daily lives of victims who have been silenced by cultural and familial pressures and the legal

⁴ *The Gale Encyclopedia of Medicine*, edited by Deirdre S. Blanchfield and Jacqueline L. Longe. vol. 2. 2nd ed. Detroit: Gale, 2002. p 753-756. <https://guides.libraries.psu.edu/child-abuse-neglect#s-lg-box-6877589>

⁵ *The Gale Encyclopedia of Everyday Law*, edited by Jeffrey Wilson. Vol. 1. 2nd ed. Detroit: Gale, 2006. p 741-744. <https://guides.libraries.psu.edu/child-abuse-neglect#s-lg-box-6877589>

protections that exist on paper?

5. In what ways does the underreporting of child abuse and the prolongation of the pain experienced by the victim result from close relatives masking molesting and sexual abuse under the pretense of family honor?

Significance of Research

This study is crucial because it looks at the seriousness of child abuse as well as the factors that correlate to its high rate of underreporting. The fact that there is so little discussion of child abuse in India is its most concerning feature. Despite protection laws, many cases are unreported because families hide information to protect their reputation. This silence, which is often justified on the grounds of "family honor," deprives children of justice and healing. Domestic abuse, which can be committed by uncles, cousins, and in extreme cases, even fathers or grandfathers, is also highlighted in the study. Victims are forced to remain silent about these incidents, which prolongs the abuse and makes the pain worse. These circumstances illustrate the betrayal that children endure from those closest to them, as the home becomes a place of pain rather than safety.

This study also highlights how the issue is made worse by insufficient assistance networks, administrative obstacles, and legal flaws. When institutions fail to offer child-friendly procedures or families refuse to cooperate, laws that seem solid on paper frequently fall apart in practice. To ensure that child dignity is given priority above family honour, this study aims to inform legislative change, policy measures, and societal engagement by bridging the gap between legislation and lived realities.

Scope and Limitation of Research

This study covers child sexual abuse in India, with a particular emphasis on how legal loopholes, cultural taboos, and familial stigma lead to underreporting of incidents. Statutory frameworks like the Protection of Children from Sexual Offences Act, 2012 (POCSO), pertinent sections of the Indian Penal Code, 1860, and the Juvenile Justice (Care and Protection of Children) Act, 2015 are all critically examined in this study. The research aims to close the gap between legislative purpose and actual enforcement by examining these laws considering lived reality.

The study also looks at how society and families might silence victims, particularly when the offenders are family members like parents, grandparents, or even cousins or uncles. It examines how this kind of avoidance hinders justice and exacerbates pain. Nonetheless, there are several limitations to the research. Without fieldwork or direct victim testimonials, it is mostly doctrinal in character and depends on legislation, case law, and secondary literature. The inclusion of comparative references to other countries is contingent upon their ability to provide insight into the Indian context.

Research objectives

1. To understand the current legal system in treating child abuse and protecting victims, especially the POCSO Act of 2012.
2. To investigate how societal views, cultural taboos, and familial stigma influence victim silence, preventing reporting, and being obstruction to access justice.
3. To evaluate gaps and difficulties in implementation.
4. To make practical suggestions and solutions for reinforcing legal safeguards.
5. To examine how children suffer severe and long-lasting trauma when close relatives' assault sexually and is treated as a secret to preserve family honour and goes unreported.

Research methodology

The method of research applied in this paper is mainly doctrinal and qualitative in nature, comprised of critical analysis and exegesis of legal provisions, case laws, and secondary scholarly literature on child sexual abuse in India. The doctrinal approach forms the scientific study of statutes such as the Protection of Children from Sexual Offences Act (POCSO), the Juvenile Justice Act, provisions of the Indian Penal Code relevant to the issue at hand, constitutional rights, and key judicial pronouncements such as *Tukaram v. State of Maharashtra* and *Satish v. State of Maharashtra*. The approach allows the researcher to study the legal framework of protecting children in its entirety and discern gaps and deficiencies in the statutes and their interpretative adjudication by courts.

In addition to legal sources, an adequate number of secondary sources, such as academic

journal articles, research papers, and reports on societal attitudes, cultural/taboo prohibitions, under-reporting, and trauma among victims, has been assessed to establish the socio-legal context. Qualitative evidence from these kinds of sources assists in establishing real-world effects of laws on families and victims in terms of enforcement and family stigma.

The research attempts to use no survey or empirical data to align with the doctrinal method, emphasises theory and critique of policy, and does not use quantitative assessment. The technique is best suited to evaluate legislative intention vs. ground reality as presented in secondary research and arrive at comprehensive legal and social change recommendations to ensure children's rights over social stigma. Through legislative analysis and a summary of socio-cultural discussions, the approach achieves an in-depth comprehension of the benefits and drawbacks of India's child protection system. It highlights the need for an integrated approach to tackle child sexual abuse and its consequences.

Literature review

Child sexual abuse (CSA) is still a widespread and deeply ingrained problem in India, leading to strong legislative responses and a wealth of socio-legal research. To ensure child safety and justice, societal, procedural, and legal complexities are highlighted by secondary literature, court decisions, and legislative frameworks like the Protection of Children from Sexual Offences Act, 2012 (POCSO), the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJA), and the most recent Bharatiya Nyaya Sanhita (BNS).

Legal provisions

The most comprehensive statute in India for addressing Child sexual abuse is the POCSO Act, 2012. It brings in clear definitions, severe penalties, gender and victim neutrality, mandatory reporting, and the creation of special courts for processes that are child-friendly. Numerous studies acknowledge the impact of POCSO in increasing awareness and giving survivors a legal foundation, but they also point to execution flaws, such as low awareness, a lack of law enforcement training, and trial delays. Compared to that, the Juvenile Justice Act offers a welfare and rehabilitative approach that aims to provide care, protection, and restoration by concentrating on both juvenile offenders and child victims.

In recent years, the Indian Penal Code has been replaced by the Bharatiya Nyaya Sanhita, 2023

(BNS), which has stricter penalties and time-bound requirements for investigation and trial. Sections 93 to 99 of the BNS deal with offences against minors, and the new provisions provide harsher sentences for crimes against minors, increasing the deterrent effect. However, academics disagree about how a harsher sentence alone tackles the underlying sociocultural factors that contribute to recidivism and underreporting.

Tukaram v. State of Maharashtra (1979)⁶

The Supreme Court has rendered some landmark rulings that have significantly advanced Indian jurisprudence. The public expressed outrage when the accused in *Tukaram v. State of Maharashtra* (1979) 2 SCC 143, also referred to as the Mathura Rape Case, was found not guilty of custodial rape by the Supreme Court. In this case, the court acquitted 2 police officers accused of raping a young tribal girl in custody, reasoning that her lack of visible resistance implied consent. The public outrage led to amendments in the IPC redefining consent-based definitions and the 1983 Criminal Law Amendment, which reversed the burden of proof in custodial rape cases. This case exemplifies how legal loopholes and outdated notions of consent can fail victims, particularly those from less family support and high societal stigma.

Sathish Ragde v. State of Maharashtra⁷

In this case, the accused was charged under sections 7 & 8, POCSO Act, pressing the breast of a 12-year-old girl without skin-to-skin contact and under section 354, IPC, for outraging the modesty of a woman. The trial court convicted Him under POCSO, but the Bombay High Court acquitted him under Section 7, reasoning that physical contact under POCSO required skin-to-skin touch. But, the Supreme Court reversed this, clarifying that sexual intent - not physical form - determines liability. This case highlights the narrow judicial interpretations, especially in contexts where family & community stigma already deter reporting.

Jarnail Singh v. State of Haryana⁸

In this case, the Supreme Court ruled that the procedure under Section 94, JJA, for determining the age of a Juvenile applies equally to a child victim. Documentary proof, such as school records, takes precedence over medical opinion. This ensures that offenders cannot exploit

⁶ *Tukaram & Anr. v. State of Maharashtra*, 1979 AIR 185

⁷ *Satish Ragde v. State of Maharashtra*, 2021 SCC OnLine Bom 72

⁸ *Jarnail Singh v. State of Haryana*, (2013) 7 SCC 263

evidentiary loopholes to challenge a victim's family pressure, which already weakens the victim's position.

Shafe, S., & Hutchinson, G. (2014). "Child Sexual Abuse and Continuous Influence of Cultural Practices: A Review."⁹

Shafe and Hutchinson, in their article *Child Sexual Abuse and Cultural Practices*, explain that child abuse is often hidden within families and communities because of shame. Due to the perception that revealing abuse may bring shame to the family, victims who are already dealing with trauma are further suppressed. Many relatives are more concerned about protecting their reputation than protecting the child. The study shows that, across 19 countries, only about half of abused children told anyone about it, and more than 43% spoke up only when pressured by parents. Children are particularly susceptible in some circumstances, such as when parents divorce, when children are regarded as family property, or when they are transferred to live with relatives. The study also demonstrates how culture and stigma frequently silence victims and erode legal protection by connecting child abuse to detrimental cultural practices, including female genital mutilation, forced marriages, honour murders, and child sex tourism.

Challenges in Child Abuse Reporting and the Role of POCSO Act, 2012 in Empowering Victims¹⁰

In the article "Challenges in Child Abuse Reporting and the Role of POCSO Act, 2012 in Empowering Victims" (2025), Dr. Shubham Saini identifies the principal reasons that prevent the disclosure of child abuse. Foremost among these is fear: perpetrators are frequently a family member or trusted adult who coerces the child and the wider family to remain silent. The youngster feels insecure because of this intimidation, which also makes them believe that disclosing anything may make things worse. Social stigma is as powerful, especially in conservative contexts. Here, the crime is too readily recast as a familial dishonour, prompting parents to bury the truth rather than risk shame. Rural families, who are often unaware of the rights or of the very protections promised under POCSO, are doubly silenced. Cultural

⁹ Shafe, S., & Hutchinson, G. (2014). "Child Sexual Abuse and Continuous Influence of Cultural Practices: A Review." *West Indian Medical Journal*, 63(6), 634–637.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC4663956/pdf/wimj-63-0634.pdf>

¹⁰ Saini, S. (2025). Challenges in Child Abuse Reporting and the Role of POCSO Act, 2012 in Empowering Victims. *International Journal of Exploring Emerging Trends in Engineering*, 2(2), 94–101. Retrieved from <https://ijoeete.com/wp-content/uploads/2025/07/13-Dr.-Shubham-Saini.pdf>

injunctions to treat abuse as a "private" concern further entrench the wall of silence. The lack of critically needed psychological counselling, emotional support, or safe interim accommodation then seals the circle of silence, emphasizing a gap between the goals of the statute and the realities faced by its least capable targeted beneficiaries.

1. India's current legal system in child sexual abuse and victim protection

To particularly address the issue of child sexual abuse and exploitation, the Legislature passed the Protection of Children from Sexual Offences (POCSO) Act, 2012¹¹. Before this Act, many legal terms were unclear. Further, they did not cover all genders or forms of abuse, including the Indian Penal Code's (IPC) provisions, which did not sufficiently protect children. Perhaps there were gaps in safeguarding male and non-binary children because BNS sections like Section 63(rape) and Section 74 only applied to women and recognized feminine penetration.¹² The POCSO Act was passed to address these critical gaps and provide broad, gender-neutral, and child-specific protection to comply with international agreements such as the UN Convention on the Rights of the Child and constitutional provisions (Article 21).

Scope and Offences Under POCSO

POCSO defines a child as any person under 18 years of age, without regard to gender. The Act details and criminalizes a broad spectrum of sexual offences, including:

- Penetrative sexual assault (Section 3)
- Aggravated penetrative sexual assault (Section 5)
- Sexual assault and aggravated sexual assault (Sections 7 and 9)
- Sexual harassment (Section 11)
- Use of a child for pornographic purposes (Section 13)¹³

¹¹ Protection of Children from Sexual Offences Act, 2012, Section 7: Sexual Assault. Available at: <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf> [Accessed September 16, 2025]

¹² Bharatiya Nyaya Sanhita, 2023, Section 74: Assault or criminal force to woman with intent to outrage her modesty, India Code, available at: <https://www.indiacode.nic.in/handle/123456789/20062> (last accessed September 16, 2025).

¹³ Protection of Children from Sexual Offences Act, 2012, Section 7: Sexual Assault. Available at: <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf> [Accessed September 16, 2025].

Each offence is paired with specific and severe penalties. For example, penetrative sexual assault carries a minimum punishment of ten years, which can be extended to life imprisonment, and aggravated offences—such as those involving persons in positions of trust or causing grievous injury—invite even harsher terms, up to the death penalty in some cases.

Victim-Centric and Child-Friendly Procedures

POCSO's child-centric practices, which are designed to avoid re-victimization during the investigation and trial, are among its most essential components. Among the most important sections are:

- The child's statement shall be recorded in a comfortable setting and, to the greatest extent feasible, by a female police officer not in uniform. (Section 24)
- The legislation mandates that children cannot be kept overnight in police custody.
- The child's identity is to be strictly protected; the media cannot disclose any personal details in coverage (Section 23).
- The medical examination of a victim is to be conducted by a woman doctor and in the presence of a trusted person (Section 27).

Additionally, the Act establishes special courts to ensure speedy trials (Section 28). These courts are tasked to complete evidence recording within 30 days and the entire trial within one year of the offence coming to light.

Mandatory Reporting and Accountability

POCSO introduces a mandatory reporting provision (Section 19). Any person (including family, professionals, or the child themselves) who suspects or becomes aware of an offence must inform the police or authorized units immediately. Failure to do so can result in imprisonment or fines. Although this provision is intended to promote social responsibility, it has been criticized for potentially discouraging minors from revealing consenting teenage conduct out of fear, even when it may not be unlawful.

Support and Rehabilitation for Victims

By outlining victim rehabilitation and compensation, POCSO goes beyond the scope of simple punishment (Section 33(8)). The law ensures that children can access counselling, medical aid, and psychological assistance. The Child Welfare Committee is to be notified of any protective needs, and support persons may be appointed to help guide the victim and their family through legal and recovery processes.

Supervisory and Monitoring Mechanisms

To monitor and guide the implementation of POCSO, the National Commission for the Protection of Child Rights (NCPCR) and equivalent state bodies have been designated as key authorities. Section 44 mandates regular reporting and oversight to ensure the law has a real effect nationwide.

2. Lack of reporting of child abuse because of social shame, cultural taboos, and family stigma

A significant barrier to reporting child sexual abuse in India is the deep-seated influence of social shame, cultural taboos, and stigma that families experience, which leads to the silence of victims and acts as an obstacle to justice. According to many research studies, most instances of abuse go unreported because of intense social pressure to uphold family honour, pervasive feelings of guilt, and the belief that talking about such matters in public creates humiliation. Families frequently choose to conceal abuse rather than report it to the police out of concern for their reputation and further societal humiliation.

Analysis of various research findings highlights that discussing child sexual abuse is widely considered taboo in Indian society, making the issue shrouded in secrecy. For instance, it is common for abuse within the family or by known individuals to be kept hidden. Only a fraction of child sexual abuse cases ever come to the attention of authorities—a national survey in 2007 found just 3 of such cases were reported. Many girls reported being ignored, blamed, or judged as responsible for abuse, receiving little support or protection from adults or the community.

India's patriarchal family system, which usually ignores children as individuals with rights, is another critical factor. Nevertheless, it regards them as representative of family prestige and honour. Rather than reporting the abuse or helping the victim, families may put their reputation

before the child's welfare and choose to remain silent or to deny the truth out of fear of social rejection. In these settings, adults' voices are usually stronger than children's, and children are at risk of being blamed or not believed if they disclose abuse.¹⁴

Cultural beliefs reinforcing the family's private domain also play a crucial role. Many Indian families tend to address such matters internally and discourage children from speaking out or seeking help beyond the immediate household. Emotional factors like guilt, fear of not being trusted, and denial from the broader community often discourage victims from reporting abuse or seeking legal intervention.¹⁵

Even where legislative frameworks like the POCSO Act 2012 provide avenues for reporting and prosecution, the stigma and shame of disclosures impede effective legal recourse. Research points out that the gap in parent-child communication about personal safety and sexuality, combined with the lack of trust in government bodies, further complicates reporting and access to justice. These results show how social, psychological, and familial reasons that put supposed family status before childcare cause India to keep quiet about child sexual assault, which allows abuse to continue and prevents victims from exercising their legal rights.¹⁶

3. Legal and procedural shortcomings that are challenging to enforce child protection laws

Poor Police Training and Female Representation

While legally, the POCSO Act prescribes that a child's statement is to be written in a comfortable setting by a woman police officer to minimise trauma, enforcement suffers because there are not very many women in the police force. The women officers constitute a minute percentage of India's total police force, and there are no women staff members in several police stations, particularly those in rural regions. This results in male police officers writing statements of child cases, which may intimidate and reproduce trauma in a child. Even beyond this, police officers are not very well equipped in specialized skills in dealing with sensitive

¹⁴ Vishal Choudhry et al., *Child Sexual Abuse in India: A Systematic Review*, 13 PLOS ONE e0205086 (2018), <https://doi.org/10.1371/journal.pone.0205086>.

¹⁵ Vishal Choudhry et al., *Child Sexual Abuse in India: A Systematic Review*, 13 PLOS ONE e0205086 (2018), <https://doi.org/10.1371/journal.pone.0205086>.

¹⁶ Suresh Kumar & CP Sheoran, *A Critical Study on Children Protection in India*, 2 Int'l J.L. Just. & Juris. 76 (2022). <https://www.lawjournal.info/article/49/2-2-13-622.pdf>

cases involving children, so there is a tendency toward mechanical, insensitive inquiries, which violate the dignity of the child as well as impair the value of evidence obtained.¹⁷

Judicial Delays and Pendency of Lawsuit

To speed up the trial of child sexual abuse offences, special courts have been established under POCSO. It is legally expected that cases will be completed within a year. But in reality, many ongoing cases, administrative backlogs, and frequent adjournments lead to significant delays. These delays prolong a child's exposure to the trauma of re-living abuse during multiple court appearances. Often, children are unable or unwilling to continue participating in the proceedings because of these challenges, which can cause cases to collapse or be dismissed. Additionally, its ability to hear cases in a way that is comfortable for children is, in most instances, compromised, considering its inadequate training and field of expertise in child psychology.¹⁸

Procedural Complexities

Estimating age continues to prove a significant challenge when birth documents of the child are missing or inconsistent. Erroneous age estimation may affect POCSO provision applicability, specifically in differentiating minors from adults for legal purposes. Obtaining biological, digital, or testimonial evidence is frequently a casualty of infrastructure lapses in police forces and forensic labs, leading to time loss or adulterated case material. Lack of coordination by law enforcement, medics, and judges hinders effective evidence collection and admissibility in court.

Mandatory Reporting: Protection or Hindrance?

POCSO enforces a duty to report, so any individual (including parents and professionals) who has a reasonable belief of sexual abuse of a child is bound to report to police as well as to other officials as directed by law. Even though this provision aims at preventing offences from being kept under wraps, it is a two-edged sword. Some families and survivors fear social stigma and reprisals from their people and so keep mum rather than report. Moreover, cases in which there

¹⁷ Moirangthem, S., Kumar, N. C., & Math, S. B. (2015). Child sexual abuse: Issues & concerns. *The Indian journal of medical research*, 142(1), 1–3. <https://doi.org/10.4103/0971-5916.162084>

¹⁸ Ranjana Ferrao, *Special Courts for Children; Lessons Learnt From India*, 15 Int'l J. Ct. Admin. 7 (2024), <https://doi.org/10.36745/ijca.485>

is consensual sexual intercourse between minors might be perceived as offences, which inhibits disclosure and could criminalise normal teenage behaviour. This sometimes brings out genuine survivors from reporting and harms trust in justice.¹⁹

4. Policy improvements to bridge the gap between silenced victims and reinforcing legal provisions

Raising Awareness and Community Engagement

An essential step towards closing the gap between law-based protections and ground-level experiences of child abuse survivors is keeping awareness campaigns at the centre stage, breaking down cultural taboos and familial stigma. Specialised educational programs for parents, teachers, front-line staff, and children themselves would facilitate the opening up of abusive episodes and rights talk so that it is normalised in our cultural space. These programs must focus intensely on children's rights as enshrined in laws such as POCSO and stress early, fearless, and shameless reporting. Community leaders and local influencers need to come on board to bring about a cultural transformation from supporting harmful social norms to a victim-supporting culture. Grassroots programs would enable communities to become protective surroundings and not passive bystanders.²⁰

Enhancing Training and Capacity Building for Stakeholders

To strengthen legal protections, all parties involved—police, courts, doctors, social workers, and child protection officers—must regularly and voluntarily improve their competence to handle children and respond to trauma. Dedicated modules on secrecy, pleasant rendition techniques, and the nuances of child psychology will enhance the quality of the evidence and increase victim cooperation. For communities to effectively assist families in overcoming social compulsion, these trainings must also include awareness of cultural issues that serve as a deterrent to reporting.²¹

¹⁹ Ananya Singh, Naina Mishra & Harshika Srivastava, Is The POCSO Act Enough? A Socio-Legal Analysis of Gaps in Child Protection, *International Journal of Law, Literature & Religion (IJLLR)* (2023), <https://www.ijllr.com/post/is-the-pocso-act-enough-a-socio-legal-analysis-of-gaps-in-child-protection>.

²⁰ Gwen Fernandes et al., *Seen but Not Heard: Addressing the Silent Epidemic of Child Maltreatment in India*, Policy Bristol, University of Bristol (2021), <https://www.bristol.ac.uk/policybristol/policy-briefings/child-maltreatment-india/>.

²¹ Puneet Singh Parihar, From Shadows to Safeguards: Evaluating Legal Mechanisms Against Child Abuse in India, *3 Int'l J. Law Soc. Sci. Stud.* 69 (2023), <https://ijlss.com/from-shadows-to-safeguards-evaluating-legal-mechanisms-against-child-abuse-in-india/>.

Independent Child Advocacy and Safe Reporting Mechanisms

Create an independent "Child Advocacy Network" (CAN) integrated at the district and block levels, with trained child advocates and counsellors who are outsiders to the family and school setup. These advocates are safe intermediaries children can turn to report abuse confidentially, without the parents' consent in the first instance, particularly where it is against members of the family or those in positions of power, such as teachers. This would minimise fear of parental restriction or backlash for complaining. CAN would also provide emotional support, legal counsel, and access to specialist services so children can hear their voices safely.

Confidential Abuse Reporting Apps with Digital Safety Features

Create state-funded confidential smartphone and web-based applications specifically for children to report abuse anonymously and easily. These apps would safely record incident information and multimedia evidence without provoking suspicion at home or school. They might have options like instant encrypted chat with child psychologists, helpline access, and geo-tagging to alert the closest child protection authorities. This tech-driven solution solves the problem of kids fearing to tell parents lest they lose access to after-school passions (such as sports or dance) and enhances accessibility to help outside the home.²²

Mandatory Protection Officers for Children in Extracurricular Establishments

Ensure designated, trained-in-child-safeguarding, abuse-identifying, and trauma-informed care Certified Child Protection Officers (CPOs) are in all sports academies, dance schools, cultural centres, and coaching institutions. These CPOs are onsite confidential reporting points where children are comfortable coming forward to report a possibility of abuse without fear of being reported to parents if that is their wish. The CPOs must conduct periodic anonymous surveys to assess children's well-being, watch staff behaviour, and provide child rights awareness workshops. This ensures that there is a measure of accountability in that sector where children are most vulnerable to being abused, but less likely to come forward to their parents.²³

²² Wenjuan Zhang & Avaantika Chawla, Legislating Mandatory Reporting of Child Abuse in India and China: A Divergence of Legislative Choice, 18 *Socio-Legal Rev.* 230 (2022), <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1237&context=slr>.

²³ *Id*

School and Institution Ombudspersons with Enforcement Authority

Create independent Ombudspersons to have powers to investigate allegations of mistreatment by teachers, coaches, or relatives who misuse their status in schools or outside-centre activities. The Ombudspersons work outside the organogram of schools and may act upon anonymous complaints to make discreet inquiries, ensuring prompt, fair action. Their public presence would deter misuse by people in trust and provide children a secure forum for justice beyond parental arbitration.²⁴

Family Reconciliation and Sensitisation Mediation Units

Set up specially trained Family Mediation Units (FMUs) that respond right after disclosures of abuse in families, providing non-adversarial counselling to caregivers and extended relatives. FMUs specialise in providing child rights education, trauma impacts, and damages of victim silencing to families, hence minimising the tendency to limit children's movements or compel silence. FMUs act as preventative units as well, where intervention occurs upon suspicion, and advice is rendered to balance protecting the child against maintaining a functional bond in a potential case's family, to reduce backlash or social stigma, yet ensuring safety and recovery.

Empowering Peer Support Networks

Create supervised, school- and community-focused peer support groups led by trained youth facilitators where children can develop trust and share experiences in a safe setting. Peer groups allow people who are or will be abused to raise their concerns indirectly and become educated in signs of abuse, rights, and how to report without fear of immediate judgment or punishment from authority figures or parents. These networks provide early detection and mobilise children toward a collective action front, turning off the silence-culture fueled by abuse from parents or authority figures.

But there are always difficulties. Similarly, these policies have minimal disadvantages but offer complete and integrated solutions for better child protection.

First, awareness-raising and community mobilisation need continuous investment, cultural

²⁴ Sneha Roy & Indira Priyadarshini Madiki, *Child Abuse: Is India Well-Equipped for the Challenge?*, 1 Int'l J. Pol'y Sci. & L. 941 (2020), https://ijpsl.in/wp-content/uploads/2020/12/Child-Abuse-Is-India-Well-Equipped-for-the-Challenge_Sneha-Roy-Indira-Priyadarshini-Madiki.pdf.

adaptation, and patience, as changing firmly held taboos and stigma is laborious and time-consuming. This could be done through continued tracking of effect, refining messaging based on community comment, and harnessing local Opinion Leaders to keep initiatives ongoing and credible.

Though imperative, the training and capacity building of stakeholders are limited by available resources and the perennial replacement of staff. To make up for these, including child protection as a subject in police, judicial, and medical practitioner curricula has the potential to internalise such knowledge, and periodic refresher courses keep procedures current.

Both such activist groups as the Child Advocacy Network (CAN) and anonymous-reporting apps enhance safe disclosure significantly, though, and create concerns about privacy, digital literacy, and availability in rural regions. These challenges may be offset by stringent data protection protocols, off-site-reporting centres as a digital tool adjunct, and outreach to communities to socialise children and families to new mechanisms.

Mandatory Ombudspersons and Child Protection Officers enhance accountability, provided there are defined roles and sufficient funds to prevent bureaucratic hindrances. Periodical auditing, public disclosure, and community participation will strengthen their effectiveness and accountability.

Family Mediation Units offer a sensitive approach but are likely to confront resistance from families not ready to accept allegations of abuse. The training of mediators in culturally sensitive negotiations and mainstreaming them along with legal supervision ensures that child safety is addressed without exclusion of caregivers.

Peer support groups liberate children but need close observation so as not to mislead them or subject them to peer influence. Expert moderation and explicit ground rules in combination with child-oriented teaching materials ensure a supportive and factual atmosphere. Although no policy has implementation difficulties, such proposals integrate mechanisms of feedback, in-built protections, and stakeholder participation to respond to shortcomings in a flexible manner. They are likely tools to bridge increasing chasms between law as written and in-use protection of child abuse survivors.

5. In what ways does the underreporting of child abuse and the prolongation of the pain experienced by the victim result from close relatives masking molesting and sexual abuse under the pretense of family honor?

Underreporting of sexual exploitation of minors in India is linked to the cultural importance attached to maintaining familial honour, which translates into prolonging trauma in abused children. Ground-level realities are that in 90-95% of reported sexual abuse cases of minors, there are known abusers who are mainly relatives and members of families. In these cases, disclosure is a problematic and uncommon occurrence, along with prosecution.²⁵

Family Honour and Silence

In most Indian homes, upholding the family's honor in society is more important than reporting abuse. "Family honour" is associated with the perceived sexual chastity and social reputation of girls, but boys are also stigmatized, in a different manner. Families usually keep reports of abuse secret in a bid to avoid social rejection and shame. In a macho and stereotypical society in which male trauma is denied or dismissed, boys may fear humiliation and distrust when girls' marriage and social integration hopes may be jeopardized if abuse is disclosed. This leads to a "conspiracy of silence," in which family members and caregivers purposefully avoid talking about abuse out of concern that their social standing would take precedence over the welfare of the child.

Psychological Impact of Concealment

Children who are forced to remain silent to preserve family honour suffer severe psychological harm. Children experience self-blame, shame, and stigma, all of which hinder their ability to recover. According to a few study findings, victims in these types of home environments go on to suffer from long-term anxiety, depression, dissociative disorders, and issues with interpersonal relationships. The hidden abuse also denies children necessary medical and psychological treatment in time, aggravating trauma. Witnessing abusers being shielded by family members, who will downplay or brush off the abuse, alienates victims and erodes their

²⁵ Chacko, A. Z., Paul, J. S. G., Vishwanath, R., Sreevathsan, S., Bennet, D., Livingstone, P. D., & John, J. (2022). A study on child sexual abuse reported by urban indian college students. *Journal of family medicine and primary care*, 11(9), 5072–5076. https://doi.org/10.4103/jfmpc.jfmpc_1081_21

trust in care providers and society.²⁶

Denial of Family Complexes

As is common in daily life, survivors are either neglected when they come forward or pressured not to. Survivors report that families may respond with victim blaming or denial, preventing disclosure by suggesting that the child is going too far or that bringing up the issue would "destroy" family ties. Survivors feel unsafe and are unable to be encouraged to come forward to report abuse because of both caste and social sensitivities, gossiping, and patriarchal family authority structures. In certain situations, the survivors indicate their strong emotional attachment to their relatives by partially disclosing but keeping the identity of the abuser a secret to protect their relatives.

Real-Life Constraints and Consequences

Practical Limitations reveals that there are psychological and business motives for this silence. Families dealing with health problems, unemployment, or poverty could place more value on societal assistance and survival than on openly reporting abuse. In these situations, children may not voice their complaints to shield their guardians from further difficulties or marginalization. This translates into legal protections such as the POCSO Act being under-reported, as such would not suffice to offset social stigma or coercion in families.²⁷

In a nutshell, the underreporting of sexual abuse by family members grounded in family honour norms creates a cycle of silent, long-lasting agony for victims. This fact reflects the tremendous need for culturally competent interventions that empower victims, educate families, and deconstruct the stigma inhibiting justice and healing.

Findings

- Prevalence and Patterns: Child sexual abuse (CSA) in India is alarmingly common, with national and independent studies consistently indicating that up to 53% of children

²⁶ Feiring, C., Simon, V. A., & Cleland, C. M. (2009). Childhood sexual abuse, stigmatization, internalizing symptoms, and the development of sexual difficulties and dating aggression. *Journal of consulting and clinical psychology*, 77(1), 127–137. <https://doi.org/10.1037/a0013475>

²⁷ R. Malathi, Victims in Indian Context - A Perspective, Tamil Nadu State Judicial Academy (TNSJA), <https://www.tnsja.tn.gov.in/article/Decoding%20the%20concurrency%20of%20laws%20corrected.pdf>.

experience some form of sexual abuse before the age of 18. Abuse affects both boys and girls and is reported across urban and rural areas.

- **Nature of Offenders:** In over 90% of the cases, the abuser is someone the child knows and trusts—such as family members, relatives, neighbours, or caregivers. Studies indicate that nearly half the cases involve sexual abuse by close family, making intra-familial abuse a persistent and underreported problem. **Effect of Stigma and Silencing:** Inherent cultural beliefs of family honour, shame, and reputation are essential in hindering disclosures. Families and victims cover up abuse to prevent social exclusion, causing underreporting and delayed medical, psychological, and legal help. This creates cycles of repeated injury, guilt, and long-term mental health issues for the victim.
- **Legislative Progress and Backlash:** The Protection of Children from Sexual Offences (POCSO) Act and other similar legislation have made punishment more stringent, reporting compulsory, procedure child-friendly, and courts special for speedy disposal of cases.

Despite this, there is much criticism:

- The Act treats all relationships between adolescents alike, without making any distinction, and criminalises consensual teenage activity, thus sometimes discouraging accurate disclosures.
- Compulsory reporting puts professionals and survivors in dilemmas, likely disempowering the child and instigating compelled legal action even if the victim is unwilling or unprepared.
 - Despite legal mandates, conviction rates remain low (around 35%); over 80% of cases face years-long court pendency, with evidence quality and witness protection being persistent weaknesses.
 - Stakeholders—including police, medical professionals, prosecutors, and judiciary—often lack the specialised training and sensitivity needed for trauma-informed handling, leading to secondary victimisation and flawed investigations.

- Support services for victim rehabilitation remain fragmented, underfunded, and poorly coordinated, especially at the district and grassroots level.
- **Exacerbating Factors for Vulnerable Groups:** The risk and impact are even greater for vulnerable groups, such as adolescent girls, children from socioeconomically marginalised communities, and those already facing discrimination on other grounds. These groups face additional barriers—limited awareness, higher dependency, and lack of safety nets—that further limit access to justice or support.

India's legislative measures have made significant strides on paper. Still, persistent gaps in implementation, deep-rooted social stigma, lack of systemic sensitivity, and judicial delays continue to keep many victims silenced and underserved. The cycle of underreporting, re-traumatization, and denied justice is yet to be fully broken.

Suggestions

These results show that child sexual abuse in India is rampant, with a considerable number of victims being abused by relatives/known perpetrators. The key factors influencing victim silencing, prevented reporting, and protracted suffering are social status, stigma, and traditional family honor perceptions. Abuse in modern family situations frequently goes unreported and causes severe psychological pain, including uncertainty, worry, and grief. Even if the POCSO Act and other current legislation offer a solid foundation, their execution is hampered by a lack of knowledge, protracted legal proceedings, and insufficient individual training.

Based on this, the following are recommendations that can be taken to bridge the gap between the law and the reality of victims:

1. **Culturally Appropriate Awareness Campaigns:** Create community-based initiatives that suit different communities in normalising talk about child abuse and promoting early, courageous reporting. Community leaders and influencers can be involved in shifting detrimental social norms to create a safe community around children.
2. **Trained Service Providers:** Institutionalize regular, trauma-informed training of critical actors like police, judiciary, health care providers, and social workers to optimise child-friendly case management of abuse cases and bolster support to victims throughout the justice process.

3. Early Detection Through Healthcare: Incorporate careful screening of abuse symptoms in routine family and pediatric health encounters so that early detection and referral to support services can take place.

4. Comprehensive Sexuality Education: Establish across-the-nation school programs that will endow children with awareness regarding body autonomy, abuse avoidance, and rights, enabling them to acknowledge and verify abuse.

5. Multi-sector Coordination: Increase inter-sector coordination among child welfare committees, law enforcement, medical providers, and NGOs to provide coordinated, holistically focused support as well as more expeditious case resolution.

These steps highlight a culturally sensitive, interdisciplinary approach that honours local settings as much as it elevates the effectiveness of child protection legislation. Fostering community involvement, strengthening systems, and empowering crime victims is critical in translating legal codes into effective protection nets for Indian children. This comprehensive yet succinct method offers a possible foundation for the study plan, providing direction for investigating the problems of child sexual abuse and law/life mismatch in India.

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