
CHILD SEXUAL ABUSE UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

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I. ABSTRACT

Child sexual abuse (CSA) remains one of the gravest human rights violations affecting children worldwide and in India, where conservative attitudes toward sexuality lead to significant underreporting and heightened vulnerability. Estimates from systematic reviews suggest that between one-third and one-half of India's younger population has experienced some form of sexual abuse, with perpetrators most commonly being individuals known and trusted by the child including family members, teachers, and community figures.

This paper examines the prevalence of CSA in India, the socio-cultural causes that drive it, its lasting psychological and physical effects, the legal framework established under the Protection of Children from Sexual Offences (POCSO) Act, 2012, the barriers to effective reporting, and practical preventive strategies available to families, schools, and communities. In 2021, 1,49,404 POCSO-related cases were recorded in India; despite this, conviction rates remain low and case backlogs severe.

Keywords: Child Sexual Abuse, POCSO Act 2012, Child Protection, Psychological Trauma, Sexual Exploitation, Underreporting, Survivor Rehabilitation.

II. Introduction

Child sexual abuse (CSA) represents a deeply troubling social problem that demands urgent and coordinated action across all levels of Indian society – from individual households to national policy. In India, traditional and conservative attitudes toward sexuality make it particularly difficult for parents and caregivers to initiate open conversations about sexual safety with children. Many families avoid the topic entirely, leaving children ill-equipped to recognize or report abuse.

Indian children face levels of sexual abuse comparable to those in societies with more open discourse on the subject, and a significant proportion of incidents occur within the home. Research indicates that in approximately 94% of cases registered under the POCSO Act, the perpetrator was known to the child, and in 8% of cases the accused was a family member.

Compounding this crisis is widespread ignorance about what legally and clinically constitutes sexual abuse. The offence encompasses a wide spectrum: exposure to sexual content, oral-genital or genital-to-genital contact, inappropriate touching, and digital or object penetration, none of which require penile penetration to qualify under the POCSO Act. The consequences for the child are profound, disrupting social, emotional, and psychological development in ways that can persist well into adulthood.^{1 2 3 4}

III. Literature Review

Sexual abuse against children is a global phenomenon with no geographic, socioeconomic, or cultural boundaries. Children may be abused in their homes, at school, within their communities, or through digital platforms. Globally, systematic reviews across 24 countries have found prevalence rates of CSA ranging from 8% to 31% for females and 3% to 17% for males, with Asia recording comparatively lower but still significant rates.

In India, 1,49,404 POCSO-related offences were reported in 2021 alone. Only 3% of CSA offences uncovered in a major 2007 national study were reported to the authorities, reflecting

¹ National Center for Biotechnology Information, NCBI Bookshelf <https://www.ncbi.nlm.nih.gov/>.

² Mohan Giri, 9. RB-622.pmd, (Feb. 2, 2023), <https://www.indianpediatrics.net/feb2023/133.pdf>.

³ Homepage, University of Bristol (Apr. 24, 2026), <https://www.bristol.ac.uk/>.

⁴ Microsoft Word – AFR.RC54.15 Rev.1 Child.Sexual.Abuse.18.06.04.doc, (Nov. 15, 2005), https://www.afro.who.int/sites/default/files/sessions/working_documents/AFR.RC54.15%20Rev.1%20Child.Sexual.A_buse_.18.06.04-5a.pdf.

the persistent culture of silence around abuse. The then-Minister of Women and Child Development described CSA as "shrouded in secrecy with a conspiracy of silence."

The resolution of POCSO cases remains deeply inadequate. During 2022-23, the Ministry of Women and Child Development received 29,936 applications in Legal Service institutions, including court orders. Uttar Pradesh reported the highest backlog, with 77.8% of POCSO cases filed between November 2012 and February 2021 still unresolved. In contrast, Tamil Nadu had the best disposal rate at 80.2%. The national average case disposal time stands at 509.78 days, with 56% of all cases involving penetrative or aggravated penetrative sexual assault the most serious offences under the Act.

Research into age of first exposure reveals that among adults reporting childhood sexual abuse, one-third experienced their first incident before age nine, one-third between ages nine and twelve, and one-third between ages thirteen and fifteen. Over 50% of adult survivors reported having also experienced other forms of childhood maltreatment, and one in six reported experiencing physical, emotional, and sexual abuse alongside witnessing domestic violence. Children in institutional care were nearly four times more likely to experience sexual exploitation.⁵⁶⁷⁸

IV. Causes and Contributing Factors

The causes of child sexual abuse are multidimensional rooted in individual behavior, abusive power dynamics, social norms, economic vulnerability, and systemic failures. While CSA occurs in all societies, the risks escalate dramatically during humanitarian crises. During armed conflicts, natural disasters, and other emergencies, established social protections break down, leaving women and children especially vulnerable to trafficking, forced marriage, and gender-based violence.

A growing driver of CSA is financial motivation. The internet has enabled a vast global market for the production, distribution, and consumption of child sexual abuse material (CSAM). Children engaged online are exposed to predators who exploit anonymity to groom and coerce

⁵ Unicef, Cloudflare (Dec. 5, 2022), <https://www.unicef.org/>.

⁶ Home, National Crime Records Bureau <https://www.ncrb.gov.in/>.

⁷ Savitribai Phule National Institute Of Women And Child Development, <https://www.spniwcd.wcd.gov.in/>.

⁸ Latest News and Opinion from India, World, Politics, Governance, Defence, Economy, Education, Ground Reports, (Apr. 24, 2026), <https://theprint.in/>.

minors into producing explicit content. In India, the rapid expansion of internet access without corresponding digital safety education has amplified this risk.

Harmful community norms that normalize male control over women and children create environments in which abuse is tolerated, concealed, or even rationalized. When abuse is perpetrated by a family member or community figure as is most frequently the case structural and cultural pressures push families toward silence rather than reporting.^{9 10 11 12}

V. Psychological and Emotional Impact on Survivors

Children who survive sexual abuse may face a wide array of cognitive, emotional, and behavioral consequences that fundamentally alter their self-image and their capacity to engage with the world. A community-based study from an urban law enforcement centre in India found that more than half (53%) of child abuse victims had at least one diagnosable psychiatric disorder, with PTSD being the most common (28%), followed by conduct disorder (21%) and depression (17%). Approximately 12% reported suicidal ideation.

The immediate aftermath of abuse often brings intense emotional turmoil: fear, anxiety, anger, and sharply diminished self-worth. Over the longer term, survivors may develop a distorted self-image, persistent shame and guilt, difficulties in forming secure relationships, and confusion about sexual identity or intimacy. Research has linked CSA exposure to PTSD, Complex PTSD (CPTSD), depression, and anxiety disorders that can persist for decades without adequate intervention.

When children do not receive sufficient support, they may resort to harmful coping mechanisms, including:

- Substance misuse and addiction
- Suicidal ideation or attempts
- Compulsive or indiscriminate sexual behavior

⁹ World Health Organization (WHO), (Nov. 9, 2022), <https://www.who.int/>.

¹⁰ Home, ECPAT (Apr. 20, 2026), <https://ecpat.org/>.

¹¹ Eliminating Child Sexual Abuse Online, Internet Watch Foundation IWF <https://www.iwf.org.uk/>.

¹² Ministry of Electronics and Information Technology, Government of India, (May 4, 2024), <https://www.meity.gov.in/>.

- Self-harm and self-injury
- Disordered eating (anorexia, bulimia, binge eating)

Children who do not disclose abuse may manifest physical symptoms such as chronic abdominal pain, sleep disturbances, recurring bladder infections, nocturnal bed-wetting, and social withdrawal. Fewer than 5% of victims show visible physical signs of abuse, making clinical and professional awareness especially critical.^{13 14 15 16}

VI. Legal Framework: The POCSO Act, 2012

The Protection of Children from Sexual Offences (POCSO) Act, 2012 (Act No. 32 of 2012) was enacted by the Government of India to establish a comprehensive, gender-neutral legal framework specifically addressing sexual offences against minors. The Act defines a child as any person below eighteen years of age and criminalizes all sexual acts involving minors irrespective of purported consent recognizing that persons under eighteen lack the legal capacity to provide informed consent.

The Act covers a wide spectrum of offences: penetrative sexual assault, non-penetrative sexual assault, sexual harassment, and the use of children for pornographic purposes. Special Courts are mandated to ensure speedy trials, and child-friendly procedures are prescribed to minimize retraumatization. As of May 2023, 758 Fast Track Special Courts (FTSCs), including 412 exclusive POCSO (e-POCSO) Courts, were operational across 29 states and union territories.

In 2019, the Act was amended significantly. The POCSO (Amendment) Act, 2019 raised the minimum sentence for penetrative sexual assault from seven to ten years, introduced a minimum of twenty years' imprisonment where the victim is below sixteen years of age, and provided for the death penalty in cases of aggravated penetrative sexual assault. The amendment also expanded the definition of child pornography and strengthened penalties for its storage and distribution.

The Ministry of Women and Child Development subsequently notified the POCSO Rules, 2020, which instituted structured support for survivors including the assignment of a Support

¹³ National Center for Biotechnology Information, NCBI Bookshelf <https://www.ncbi.nlm.nih.gov/>.

¹⁴ *VA.gov | Veterans Affairs*, PTSD: National Center for PTSD <https://www.ptsd.va.gov/>.

¹⁵ Ian Dean, Home, CSA Centre (Apr. 21, 2026), <https://www.csacentre.org.uk/>.

¹⁶ Sweta Rani, Home, Springer Nature Link <https://link.springer.com/>.

Person to accompany the child through investigation and trial, and provisions for interim compensation disburseable within 30 days of FIR registration.

The maintenance of eighteen years as the age of consent is consistent across multiple Indian statutes, including the Bharatiya Nyaya Sanhita, 2023; the Prohibition of Child Marriage Act, 2006; the Hindu Adoptions and Maintenance Act, 1956; the Juvenile Justice (Care and Protection of Children) Act, 2015; and the Hindu Minority and Guardianship Act, 1956 reflecting a coherent legislative intent to protect minors from exploitation.^{17 18 19 20 21}

VII. Reporting Challenges

Section 19 of the POCSO Act mandates that every person who knows of or suspects a case of child sexual abuse must report it to the nearest police station or Special Juvenile Police Unit (SJPU).

Failure to report is punishable by up to six months' imprisonment, a fine, or both (Section 21). Despite this legal obligation, a large majority of CSA cases go unreported.

Only 3% of CSA cases identified in national-level research have been reported to the authorities, a figure that highlights the enormous gap between actual prevalence and official statistics. Key barriers include widespread insensitivity within formal systems, social stigma that leads families to prioritize reputation over justice, fear of retaliation by abusers (who are frequently family members or authority figures), and a general lack of public awareness about reporting mechanisms.

The principle of obtaining a child's voluntary assent before reporting is central to trauma-informed best practice. When children feel genuinely heard and supported, they are more likely to cooperate and provide consistent testimony. Coercion, by contrast, is counterproductive: pressuring a child to report can induce fear and confusion, cause withdrawal or recantation, and undermine the credibility of legal proceedings. Service providers must therefore exercise

¹⁷ (Feb. 28, 2023), <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf>.

¹⁸ <https://prsindia.org/billtrack/prs-products/prs-bill-summary-3157>.

¹⁹ Prime Minister of India, (Apr. 24, 2026), <https://www.pmindia.gov.in/en>.

²⁰ <https://thc.nic.in/Central%20Governmental%20Rules/Protection%20of%20Children%20from%20Sexual%20Offences%20Rules,%202020.pdf>.

²¹ Komal Ahuja, Legal analysis Archives, Bhatt & Joshi Associates (Mar. 24, 2017), <https://bhattandjoshiassociates.com/tag/legal-analysis/>.

careful professional judgment, balancing the child's autonomy with the imperative to ensure their ongoing safety.^{22 23 24}

VIII. Preventive Measures and Awareness

Prevention is the most powerful long-term tool for reducing child sexual abuse. It begins with cultivating an environment of trust, openness, and age-appropriate communication between children and their caregivers. Evidence-based programs show that children who receive structured body safety education are better equipped to identify, resist, and report inappropriate contact.

A. School-Based Prevention Programs

Educational institutions play a critical role in equipping children with practical protective knowledge. Effective school programs include:

- Age-appropriate education on body autonomy and the distinction between safe and unsafe touch.
- Teaching children how to recognize uncomfortable situations and what steps to take if abuse occurs
- Instruction on how and where to report empowering children to understand they will be believed and supported
- Dispelling common myths about sexual abuse to reduce shame and encourage disclosure
- Empowering older students to serve as advocates for younger or more vulnerable peers

B. Parental Engagement

Parents and primary caregivers serve as the child's first line of protection. Key elements of

²² (Feb. 28, 2023), <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf>

²³ Homepage, University of Bristol (Apr. 24, 2026), <https://www.bristol.ac.uk/>.

²⁴ *Attention Required!*, Cloudflare <https://www.crunchbase.com/person/jatin-srivastava-fe83>.

effective parental engagement include learning to recognize behavioral warning signs of abuse, creating a home environment where children feel safe to disclose, and initiating ongoing age appropriate conversations about bodily autonomy and personal safety.

C. Body Safety Rules for Children

Teaching children specific and clear safety rules helps them understand and assert their right to bodily autonomy:

- **Clothing Rule:** Private parts of the body are kept covered in the presence of others
- **Touching Rule:** No one may uncover or touch a child's private areas
- **Talking Rule:** Conversations about private parts should only occur with a trusted adult (e.g., a parent or guardian)
- **Online Safety Rule:** Children must never share personal details name, address, school name, or passwords online, and must not agree to meet someone known only digitally

D. Community Social Worker (CSW) Role

Community Social Workers are well-positioned to bridge the gap between at-risk families and formal support systems. Their responsibilities include conducting community awareness campaigns in partnership with local governance bodies (panchayats), supporting families and children through the reporting process, facilitating social reintegration of affected families, and coordinating follow-up medical and counseling care for survivors. As of May 2023, the POCSO framework supports 758 functional Fast Track Special Courts to assist with this ecosystem of care.^{25 26}

IX. Conclusion

Child sexual abuse is a profound violation of human dignity that causes deep and lasting physical, psychological, and social harm to survivors. This review underscores that CSA is not merely an individual tragedy but a systemic problem sustained by silence, stigma,

²⁵ (Jan. 21, 2016), <https://www.d2l.org/wp-content/uploads/2024/10/StewardsofChildrenEvidenceInformedPreventionTraining-2020.pdf>.

²⁶ Press Information Bureau, <https://www.pib.gov.in/index.aspx?reg=3&lang=2>.

inadequate public awareness, and inconsistent implementation of protective legislation. Despite the existence of the POCSO Act among the more comprehensive child protection frameworks globally underreporting and cultural taboos continue to obstruct justice and deny survivors the support they need.

Addressing this crisis demands a coordinated response that integrates rigorous POCSO enforcement, broad public education, and accessible counseling and rehabilitation services for survivors. Schools, families, healthcare professionals, community workers, and the legal system must work in concert. As of 2022-23, 29,936 applications were received by Legal Service institutions under POCSO a figure that signals both growing awareness and the urgent need for expanded capacity.

Ultimately, protecting children from sexual abuse is a collective moral responsibility. It requires not just law, but sustained commitment, empathy, and accountability from every segment of society. By fostering awareness, dismantling stigma, and strengthening support systems, India can build a future where every child is safe, heard, and able to heal and flourish without fear.^{27 28}

²⁷ ResearchGate, Temporarily Unavailable
https://www.researchgate.net/publication/258835635_choudhary_et_al_2014.

²⁸ India – Briefing Paper, ECPAT <https://ecpat.org/resource/india-briefing-paper/>.

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