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Abuse Against Child: The Problem Faced By Female Children In Daily Life

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Abstract

The study examined that child abuse is important to all female children nowadays because female children are sexually abused in many places in India. The violence against children includes all forms of violence against people under 18 years old, whether perpetrated by parents or other caregivers. In the past year, there have been 1 billion children aged 2–17 who have experienced physical, sexual, or emotional violence. It violates the fundamental rights and personal liberty of the woman; there is a word given by the government and in law: “THE DIGNITY OF WOMAN IS INTRINSICALLY LINKED TO THE DIGNITY OF A NATION.” Article 21 is the heart of fundamental rights and states that no person shall be deprived of their rights except according to the procedure established by law. The right to privacy for women was also violated. In a meta-analysis conducted in the year 2009, we analysed 65 studies in 22 countries and estimated an overall international figure. The main finding of the study was that in the research, an estimated 7.9% of males and females (19.7%) faced sexual abuse before the age of 18 years. Second, the highest prevalence rate of child sexual abuse was seen in Africa (34.4%), Europe, America, and Asia (9.2%, 10.1%, and 23.9%, respectively). And Section 96 of Bharatiya Nyaya Sanhita 2024 has mentioned that Whoever, by any means whatsoever, induces any child to go from any place or to do any act with intent that such child may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment, which may extend to ten years, and shall also be liable to a fine.

Keywords: Child Sexual Abuse, Female Children, POCSO Act, Legal Framework, India.

INTRODUCTION

The objective of this short review is to offer a brief overview of childhood sexual abuse of children and its consequences in the field of sexuality, paying special attention to the performance of risky sexual behaviours and sexual re-victimisation in adolescence and early youth. In addition, two theoretical explanations that address, albeit partially, the relationship between child sexual abuse, risky sexual behaviour, and sexual re-victimisation are highlighted; that is, the structure that is followed in the text. Finally, conclusions are drawn, underscoring the need to continue investigating this phenomenon, developing specific theoretical models, and implementing prevention programs for child sexual abuse.

MEANING OF CHILD SEXUAL ABUSE

Child sexual abuse is a form of child abuse that includes sexual activity with a minor. A child cannot consent to any form of sexual activity, period. When a perpetrator engages with a child this way, they are committing a crime that can have lasting effects on the victim for years. Child sexual abuse does not need to include physical contact between a perpetrator and a child. Some forms of child sexual abuse, including

- Exhibitionism, or exposing oneself to a minor
- Fondling
- Intercourse
- Masturbation in the presence of a minor or forcing the minor to masturbate
- Obscene conversation, phone calls, text messages, or digital interaction
- Producing, owning, or sharing pornographic images or movies of children
- Sex of any kind with a minor, including vaginal, oral, or anal
- Sex trafficking
- Any other contact of a sexual nature that involves a minor

THE TYPES OF CHILD SEXUAL ABUSE

There are two types of child sexual abuse, namely.

1. **Touching:** Includes touching a child's genitals, making a child touch someone else's genitals, playing sexual games, and putting an object or body part inside the vulva or vagina in the mouth or the anus of a child for sexual pleasure.
2. **Non-Touching:** Abuse includes showing pornography to a child, exposing a person's genitals to a child, prostituting or trafficking a child, photographing a child in sexual poses, encouraging a child to watch or hear sexual acts either in person or on a video, and/or watching a child undress or use the bathroom.

SALIENT FEATURES OF CHILD SEXUAL ABUSE IN INDIA:

About 19% of the world's children live in India, constituting 42% of India's population. It is distressing to state that child sexual abuse is a dark reality in Indian society, like in any other nation. India has the dubious distinction of having the world's largest number of sexually abused children, with a child below 16 years raped every 155th minute, a child below 10 every 13th hour, and one in every 10 children sexually abused at any point in time.¹

According to the first ever National Study on Child Abuse in April 2007, covering 13 states in India and a sample size of 12,446 children, a disturbing number of 53.3% of children reported sexual abuse. The survey also found that boys and girls were equally at risk. The most worrisome aspect was that 50% of the abusers were known to the children, and the children trusted them.²

According to the National Crime Records Bureau, the number of reported crimes against children more than doubled between 2012 and 2014. Nearly 90,000 such crimes were registered in 2014, of which over 37,000 involved kidnapping and abduction, and nearly 14,000 involved rapes.³

The WHO found that at any given time, one of ten Indian children is the victim of sexual abuse. These statistics represent the shocking reality of our country. In India, child sexual abuse occurs in various spaces, including the home, neighbourhood, schools, and temporary homes of shelter for abandoned and neglected children, railway platforms, jails, and refugee camps. The problem is serious, widespread, and deep-rooted and is one that the community is hesitant to accept and

¹ Ministry of Women and Child Development, Government of India, Study on Child Abuse: India 2007 (2007) (India).

² National Crime Records Bureau, *Crime in India 2014 Statistics*, available at <https://timesofindia.indiatimes.com/india/over-53-children-face-sexual-abuse-survey/articleshow/1881344.cms> (last visited Oct. 6, 2008).

³ Chandrika R. Krishnan, The World We Miss Today, *The Hindu* (Nov. 3, 2015) (India).

acknowledge.⁴

CHILD LAWS IN INDIA

The Constitution of India is the supreme law of the country. It guarantees several rights to children and enables the state to make provisions to ensure that the tender age of children is not abused. The Constitution recognises the vulnerable position of children and their right to protection. Following the doctrine of protective discrimination, it guarantees in Article 15 guarantees special attention to children through necessary and special laws and policies that safeguard their rights. The right to equality, protection of life and personal liberty, and the right against exploitation are enshrined in Article 14⁵, 15, 15(3)⁶, 19(1)(a), 21, 21(A), 23, 24, 39(e), and 39(f)⁷. And reiterate India's commitment to the protection, safety, security, and well-being of all its people, including children. In case of any transgression of fundamental rights, constitutional remedies by the Supreme Court and the High Courts can be resorted to.⁸

WAY TO PROTECT OUR CHILD FROM SEXUAL ABUSE:

A big part of protecting your child is about creating a dialogue. Read more to learn about creating this dialogue and keeping our child safe. The parents should teach the sexual education to their child and how to protect themselves from sexual abuse. Child sexual abuse isn't always easy to spot, and some survivors may not exhibit obvious warning signs. The perpetrators could be someone you've known a long time or trust, which may make it even harder to notice.

PHYSICAL SIGNS

- Bloody, torn, or stained underclothes
- Difficulty walking or sitting
- Frequent urinary or yeast infections
- Pain, itching or burning in the genital area
- Bleeding, bruises or swelling in the genital area

⁴ World Health Organization, *Child sexual abuse in India: A systematic review*, available at <https://www.proquest.com/docview/2117366529> (last visited Oct. 6, 2008).

⁵ INDIA CONST. art. 14.

⁶ INDIA CONST. art. 15, cl. 3.

⁷ INDIA CONST. art. 39, cls. (e)–(f).

⁸ INDIA CONST. art. 32; art. 226.

BEHAVIORAL SIGNS:

- Changes in hygiene, such as refusing to bathe or bathing excessively
- Develops phobias
- Exhibits signs of depression or post-traumatic stress disorder
- Express suicidal thoughts, especially in adolescents
- Has trouble in school, such as absences or a drop-in grade
- Inappropriate sexual knowledge or behaviours
- Nightmares or bed-wetting
- Overly protective and concerned for siblings, or assumes a caretaker role
- Return to regressive behaviors, such as thumb sucking
- Run away from home or school
- Self-harms
- Shrinks away or seems threatened by physical contact

SEQUELAE OR SYMPTOMS:

Symptoms or behavioural sequelae are common and varied; more extreme symptoms can be associated with abuse at an early age, extended or frequent abuse, incest by a parent, or use of force. Common life events, like death, birth, marriage or divorce, may trigger the return of symptoms for childhood sexual abuse, including the following:

- Emotional reactions, such as fear, shame, humiliation, guilt and self-blame, are common and lead to depression and anxiety.
- Symptoms of posttraumatic stress: Survivors may experience intrusive or recurring thoughts of the abuse, as well as nightmares or flashbacks.
- **Distorted self-perception:** survivors often develop a belief that they caused the sexual abuse and that they deserved it. These beliefs may result in a self-destructive relationship.

PHYSICAL EFFECTS OF CHILD SEXUAL ABUSE

- Chronic and diffuse pain, especially abdominal or pelvic pain
- Lower pain threshold

- Anxiety and depression, self-neglect and disorders have been attributed to childhood sexual abuse.
- Adults abused as children are four to five times likely to have abused alcohol and illicit drugs.
- They are also twice as likely to smoke, be physically inactive and be severely obese

EFFECTS OF CHILD SEXUAL ABUSE FACED BY THEM:

Disturbances of desire, arousal, and orgasm may result from the association between sexual activity, violation and pain. Survivors are more likely to have 50 or more intercourse partners, have had a sexually transmitted infection, and engage in risk-taking behaviour that places them at risk of contracting human immunodeficiency virus (HIV). Early adolescent or unintended pregnancy and prostitution are associated with sexual abuse. Gynecologic problems, including chronic pelvic pain, dyspareunia, vaginismus and nonspecific vaginitis, are common diagnoses among survivors. Survivors may be less likely to have regular Pap tests and may seek little or no prenatal care.

INTERPERSONAL EFFECTS OF CHILD SEXUAL ABUSE

Adult survivors of sexual abuse may be less skilled at self-protection. They are more apt to accept being victimised by others. This tendency to be victimised repeatedly may be the result of general vulnerability in dangerous situations and exploitation by untrustworthy people.

THE CASE OF CHILD SEXUAL ABUSE HAPPENED IN TAMIL NADU:

CASE NAME: M. Veersamy vs State of Tamil Nadu⁹

Some of the important details about the case:

“Child Sexual Abuse happens because the system of silence around the act perpetuates it”

“Child Sexual Abuse represses children. The repression of children is unlikely to create a flourishing society, economically, emotionally, equally or spiritually”

The incident out of the total child respondents, 53.22% reported having faced one or more forms of sexual abuse that included severe and other forms. Among them, 52.94% were boys and 47.06% of girls. The age-wise distribution of children reporting sexual abuse in one or more forms showed that the abuse started at the age of 5 years. It gained momentum 10 onward, peaking at 12 to 15 years and then starting to decline. This means that children in the teenage years are most a School at podumbu,

⁹ M. Veersamy vs State of Tamil Nadu 2012 (3) CTC 641.

a village near Madurai is before this court in these two-writ petition both raise a question of serious concern regarding a rampant child sex abuse allegedly done by a person who is no other than the headmaster of the school necessitating corrective actions to be taken by this court.

JUDGEMENT: The high court charges the fine amount of ₹1,20,000/- for outrage of a woman's modesty and also imprisonment under section 15 (iii) of the Commission of Protection of Child Rights Act 2005¹⁰ And were punished for 4 years imprisonment.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENSES (POCSO) ACT 2012:

The Protection of Children from Sexual Offences Act, 2012, exclusively deals with the issue of sexual offences committed against children. The Act defines a child as any person below the age of 18 years and protects all children under the age of 18 years from the offences of sexual assault, sexual harassment, and pornography. The Act incorporates child-friendly procedures for reporting, recording of evidence, investigation, and trial of offences. The attempt to commit an offence under the Act also made liable for punishment for up to half the punishment prescribed for the commission of the offence. The Act also provides for punishment for abetment of the offence, which is the same as for the commission of the offence. This would cover the trafficking of children for sexual purposes. For the more heinous offences of penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, and aggravated sexual assault, the burden of proof is shifted on the accused.¹¹

SALIENT FEATURES OF CHILD SEXUAL ABUSE IN POCSO ACT

- It is gender neutral.
- It makes the reporting of abuse mandatory.
- It makes the recording of sexual abuse mandatory.
- It lists all known types of sexual offences towards minors.
- It provides for the protection of minors during the judicial process.

PROVISION OF CHILD SEXUAL ABUSE IN POCSO

Police officers must bring every case to the attention of the Child Welfare Committee within 24 hours of receiving a report. The statement must be recorded in a place chosen by the minor, in the presence of a person that he/she trusts. The medico-legal examination for the collection of forensic

¹⁰ Commissions for Protection of Child Rights Act, § 15(iii), No. 4, Acts of Parliament, 2005 (India).

¹¹ Rajeev Seth, Protection of Children from Abuse and Neglect in India, 56(5) **Jpn. Med. Ass'n J.** 292, 296 (2013).

evidence must be conducted only by a female doctor, in the presence of a person whom the minor trusts. Special courts have been set up to conduct speedy, in-camera trials.

These courts must ensure that the minor is not exposed in any way to the accused during the recording of evidence; the minor is not made to repeat his or her testimony in court; and that he or she can give testimony using a video link. The case must be disposed of within one year from the date the offence is reported; the defence routes all questions through the judge and is not allowed to ask them aggressively; an interpreter, translator, special educator, or any other expert is present in court to assist the minor; and compensation for medical treatment and rehabilitation is provided to a minor who has been sexually abused.

Under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), various forms of sexual offences against children are strictly penalised. **Section 4**¹² of the Act prescribes punishment for *penetrative sexual assault*, while **Section 6**¹³ Deals with *aggravated penetrative sexual assault*. In a case where a 16-year-old girl was kidnapped and Mr. Aashif attempted to sexually assault her, the evidence presented included the victim's statement that the accused rubbed his private parts against her without penetration. Based on this testimony and the lack of evidence indicating penetration, the offence falls under **Section 10**¹⁴, which relates to *aggravated non-penetrative sexual assault*. Additionally, acts such as *sexual harassment* are covered under **Section 12**¹⁵, while the *use of minors for pornographic purposes* is punishable under **Section 14(1)**¹⁶. The Act also criminalises *attempts to commit such offences* under **Section 18**¹⁷ *abetment of offences* under **Section 17**¹⁸, and the *failure to report an offence* under **Section 21**¹⁹ of the POCSO Act.

CONCLUSION:

Child abuse is a reality that habitually inflicts our daily lives, but in a majority of cases it goes unnoticed and unreported because of the innocence of the victim, stigma attached to the act, insensitivity of the investigating and law enforcement agencies, Enactment of the Protection of Children from Sexual Offences Act 2012. Child abuse in India is often a hidden phenomenon; this may be due to the structure of the family in India and the role children have in this structure, since children are often highly involved in the continued perpetuation of such crimes.

¹² The Protection of Children from Sexual Offences Act, 2012, § 4, No. 32, Acts of Parliament, 2012 (India).

¹³ Id. § 6.

¹⁴ Id. § 10.

¹⁵ Id. § 12.

¹⁶ Id. § 14(1).

¹⁷ Id. § 18.

¹⁸ Id. § 17.

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