

## Analysis of Sexual Abuse of Children: An Indian Perspective

By *Ishanvi Sehrawat*<sup>1</sup>

### Abstract

*In the article the author will discuss the reasons and consequences of child sexual abuse in the country, in addition to the current laws regarding the same. There are an estimated 42 million adult survivors of sexual abuse. One out of every ten minors are subjected to sexual abuse. There are various types of child sexual abuse, and they aren't all physical. Sexual abuse refers to any sexual act between an adult and a child, or between two minors, where one individual has authority over the other. Exhibitionism, exposure to pornography, and voyeurism are examples of non-contact sexual abuse.*

*Children can be sexually abused in a multitude of places and environments, including communities, schools, families, youth sports environments, as well as online, through youth pornography or sexual conversation over the phone or the internet.*

**KEYWORDS:** CHILD SEXUAL ABUSE, MAJOR, MINOR, PHYSICAL ABUSE, EXHIBITIONISM, PORNOGRAPHY, VOYEURISM

---

<sup>1</sup> 1<sup>st</sup> Year Student of B.A LL.B at Symbiosis Law School, Hyderabad [Batch of 2026].

Indexed at **Manupatra**

## Introduction

Sexual behavior or a sexual act forced without consent is known as sexual abuse. It includes abuse of men, women, or children by any person. Sexual abuse is a widespread problem that occurs in any society which tolerates violent behavior and gender inequality. There are many types of sexual abuse, namely, sexual assault<sup>2</sup>, rape<sup>3</sup>, sodomy or unnatural sexual offense<sup>4</sup>, and incest.

Child sexual abuse is when any sexual act is performed with a child. India is home to 430 million children. Child sexual abuse cases, like many other societal challenges, are on the rise in our society. Children are susceptible, vulnerable, and easy to exploit at a tender age. It is not always the stranger that causes hurt, but sometimes the child's parents commit the wrongdoing. Children are considered the most critical asset; the nation's future depends on how they are brought up.

Fear, self-harm, mental and emotional harm, shame and guilt, post-traumatic stress disorder, suicide attempt, sexual health, physical health, abusive behavior, and sexually transmitted diseases are certain negative consequences of child sexual abuse. Because of the vivid memories of the past, the victim has trouble forming interpersonal and intimate relationships with others. It has been demonstrated that experiencing one episode of child sexual abuse is often associated with further sexual victimization.<sup>5</sup> The physical hurt and the mental injury leave immeasurable scars that cannot be removed.

The fundamental rights enshrined under the Constitution consist of several rights dedicated to supporting children and ensuring their protection. These fundamental rights cover fields like access to living a dignified life, justice, education, and security from child abuse. The Indian legislature has incorporated international conventions like the Convention of the Child's Rights into the Constitution. It requires that the states enact laws fulfilling the essence of the convention, as laid down by the Directive Principles of the State Policy in Part IV of the Constitution. Section 354, section 375, section 377, and section 509 of the Indian Penal Code, 1860, previously dealt with sexual offenses against children.

---

<sup>2</sup> Protection of Children from Sexual Offences Act, § 2(i), No. 32, Acts of Parliament, 2012 (India).

<sup>3</sup> Indian Penal Code, § 375, No. 45, Acts of Parliament, 1860 (India).

<sup>4</sup> Indian Penal Code, § 377, No. 45, Acts of Parliament, 1860 (India).

<sup>5</sup> I GAVIN ANDREWS ET AL., COMPARATIVE QUANTIFICATION OF HEALTH RISKS: GLOBAL AND REGIONAL BURDEN OF DISEASE ATTRIBUTABLE TO SELECTED MAJOR RISK FACTORS 1889 (World Health Organization 2004).

Indexed at **Manupatra**

## Reasons for Sexual Abuse in Children

The Indian culture has always been such that a child is constantly under the guard and care of adults. Furthermore, the adults apply physical force on youngsters to chastise them, believing that this is beneficial for their growth. Many studies show that it is not only single causes that are to blame for child sexual abuse, but that a combination of factors contributes to this heinous crime. These factors are as follows: poverty, exploitation, lack of education, poor health problem, homelessness, and unemployment.

Child labor is defined as the *exploitation* of children in moneymaking or domestic activities. Sexual harassment is occasionally a result of this exploitation as the adolescent is in his employer's custody and away from his loved ones. Exploitation isn't just about harassment or child labor; it also has an impact on a child's bodily and mental health, as well as his education, social development, and morality.

Youngsters with any mental illness, a learning incapacity, or a physical incapacity are more likely than others to disclose childhood sexual abuse.

Children who have been *homeless* are much more likely to have experienced sexual abuse. Some of them are children who have been sexually abused at a young age. Domestic violence, sexual assault, and other forms of relationship violence are common among these homeless children.

## Consequences of Sexual Abuse in Children

The influence of child sexual abuse and neglect in the physical, mental, behavioural, and cultural aspects is studied regularly. Mental implications might be seen in physical effects. Mental health difficulties lead to risky behaviors. Depression and anxiety, for example, may compel a person to smoke, drink, or use illegal medications. Long-term association with all of these poor habits can lead to major health problems, such as sexually transmitted illnesses, cancer, and a variety of other ailments. The physical effects are transient in some circumstances, but the grief and mental trauma that a kid experiences, has a long-term impact. The following are some of the consequences of child sexual abuse discovered by researchers: *self-harm, sexual health, fear, mental harm, guilt and shame, and abusive behavior*.

Sexual abuse frequently results in aggression toward oneself, such as self-blame, self-harm, and suicide. Individuals who were sexually assaulted as children are more likely to commit suicide than the general population.

Indexed at **Manupatra**

Child Sexual abuse is such a repulsive deed that it shatters a child's mind, and as a result, the youngster lives in the shadow of terror and never escapes it. Most cases of such mistreatment of children are unreported due to children's fear of being taken away from their parents.

*Sexual health:* Being unambiguously manhandled as an adolescent, especially when the abuse isn't discovered, might lead to perplexing notions about relationships and sexual behavior. Victims of sexual assault face a variety of physical effects, including disease transmission and pregnancy.

*Mental harm:* These physical effects are in addition to the significant mental and emotional anguish caused by the exploitation. All of these sufferers face a variety of issues, including eating disorders, anxiety, depression, and attempted suicide.

In the majority of situations, the abuser can persuade the victim that it is due to his error. Some persistent abusers engage in the same offensive behavior over and over again. It causes scars on the victim's body and spirit, and he feels guilty and ashamed. He discovers it challenging to inform somebody about the abuse because of the remorse and humiliation. Such awful experiences, resulting from the abuse, can push him to commit suicide.

*Abusive behavior:* The victim's behavior deteriorates into abuse. He is unable to trust anyone, which creates a negative impact on both his present and future life. Approximately one-third of abused youngsters will go on to victimize their children.

### Laws related to Sexual Abuse

In India, there was no proper legal framework specifically for dealing with child sexual assault until 2012. Section 354 of the Indian Penal Code talks about "*assault or criminal force to woman with intent to outrage her modesty*", Section 375 talks about rape, Section 509 deals with anyone who intends to insult a woman's modesty through gesture, word, or deed, and Section 377 deals with unnatural offenses.

The Young Persons (Harmful Publications) Act of 1956 dealt with pornography. The act defines "Harmful publication" as any pamphlet, book, leaflet, magazine, newspaper, or other similar publication that contains stories told with or without the aid of pictures or entirely in pictures, stories depicting wholly or primarily- the commission of offenses; or violent acts or cruelty; or occurrences of a repulsive or horrifying nature; in such a way that the publication itself would tend to deceive a youth into whose hands it might fall, whether by inciting or inspiring him.<sup>6</sup>

---

<sup>6</sup> Young Persons (Harmful Publications) Act, § 2(a), No. 93, Acts of Parliament, 1956 (India).

Indexed at **Manupatra**

The Protection of Children against Sexual Offences Act (POSCO) was approved by the Indian Parliament in 2012 for victims of child sexual abuse under the age of 18.<sup>7</sup> The Act was passed to defend minors from sexual assault<sup>8</sup>, harassment<sup>9</sup>, and pornography, as well as to establish Special Courts<sup>10</sup> for the trial of such crimes, and related concerns. The Act was revised in 2019 to include provisions for increased penalties for certain offenses to dissuade abusers and ensure that children have a safe, secure, and dignified upbringing.

The Act is gender-neutral and prioritizes the greatest benefits of the child as well as their wellbeing at all stages to guarantee the child's emotional health, intellectual, physical health, and social development. Individuals who traffic minors for sexual exploitation are also subject to the Act's amended provisions. The Act stipulates harsh punishments that are divided into tiers, depending upon the severity of the offense.

The Act includes provisions for Special Courts to conduct the trials for cases involving instances of child sexual abuse, with the best interests of the adolescent placed first at all stages of the legal process. Under the Act, the attempt to commit such an offense now carries a penalty of up to half the penalty imposed for the commission of the offense. The Act further stipulates that abetment of the wrongdoing is punishable in the same way as the commission of the offense.

## Conclusion

Lastly, I would like to conclude by stating that child sexual abuse is a global issue, not just a problem of Indian society. It can have equally short and long-term implications, including cognitive problems, emotional problems, low self-esteem, social problems, educational challenges, and self-harm, as well as suicide. The sexual exploitation of the youngsters creates a negative impact on their life and damages their future. The majority of such incidents are recorded in families, schools, communities, on the street, and at work. Indian culture has always been such that a child is constantly under the protection and care of his or her parents, who use physical force to discipline children, believing that this is helpful for their development. Many victims are too young or defenseless to speak up about the abuse or guard themselves.

---

<sup>7</sup> Protection of Children from Sexual Offences Act, § 2(d), No. 32, Acts of Parliament, 2012 (India).

<sup>8</sup> Supra Note 2.

<sup>9</sup> Protection of Children from Sexual Offences Act, § 2(j), No. 32, Acts of Parliament, 2012 (India).

<sup>10</sup> Protection of Children from Sexual Offences Act, § 2(l), No. 32, Acts of Parliament, 2012 (India).

Indexed at **Manupatra**

Even with so many lawful measures and child wellbeing groups in place, the instances of child sexual abuse have been continuously on the rise. Suitable child protection policies and preventive actions are urgently needed to safeguard youngsters from all such types of mishandling. There is a need for policies that create a secure environment in which a child can be maintained while working on his or her growth.

