



Protection of Underage Persons from Sexual Abuse: Challenges and Safeguards in India

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ABSTRACT

The protection of underage persons from sexual abuse has emerged as a significant legal, social, and human rights concern in India. Children are among the most vulnerable members of society and are often exposed to various forms of sexual exploitation, abuse, harassment, trafficking, and online victimization. Despite the existence of legal safeguards and institutional mechanisms, incidents of child sexual abuse continue to be reported across the country, highlighting the need for stronger preventive and protective measures. This paper examines the nature and extent of sexual abuse against children in India, identifies the major challenges in preventing and addressing such offences, and evaluates the effectiveness of existing legal and policy frameworks.

The study focuses on key issues such as underreporting of cases, social stigma, abuse by known persons, delays in the judicial process, lack of awareness, and the growing threat of online sexual exploitation. Particular attention is given to the role of the Protection of Children from Sexual Offences (POCSO) Act, 2012, which provides a comprehensive legal framework for the protection of children from sexual offences. The paper also discusses constitutional provisions, child welfare institutions, law enforcement mechanisms, and support services designed to safeguard children's rights and well-being.

The findings indicate that while India has made considerable progress in strengthening child protection laws and institutional arrangements, effective implementation remains a challenge due to inadequate awareness, limited resources, procedural delays, and insufficient rehabilitation services for victims. The study emphasizes the importance of a multi-stakeholder approach involving families, educational institutions, civil society organizations, law enforcement agencies, and policymakers. It concludes that child protection requires not only stringent legal action against offenders but also preventive education, community participation, psychological support, and digital safety measures to ensure a secure environment for children. Strengthening these safeguards is essential for protecting children's dignity, rights, and overall development.

Keywords: Child Sexual Abuse, POCSO Act, Child Protection, Sexual Exploitation, Child Rights.

INTRODUCTION

The protection of underage persons from sexual abuse is a fundamental aspect of child rights and human dignity. Children, due to their physical, emotional, and psychological vulnerability, are at a greater risk of becoming victims of sexual exploitation, abuse,



trafficking, and various forms of violence. Child sexual abuse has serious and long-lasting consequences, affecting the mental health, emotional well-being, education, and overall development of children. In recent years, increasing awareness and reporting of such incidents have highlighted the urgent need for effective legal and social interventions to safeguard children.

India has taken significant steps to address this issue through legislative and institutional measures, particularly with the enactment of the Protection of Children from Sexual Offences (POCSO) Act, 2012. The Act provides a comprehensive legal framework for the prevention, reporting, investigation, and prosecution of sexual offences against children. However, challenges such as underreporting, social stigma, delayed justice, inadequate awareness, and the growing threat of online exploitation continue to hinder effective child protection.

Ensuring the safety and well-being of children requires a coordinated approach involving families, schools, communities, law enforcement agencies, and policymakers. Strengthening awareness, improving access to support services, enhancing legal enforcement, and promoting child-friendly reporting mechanisms are essential for creating a secure environment. Protecting children from sexual abuse is not only a legal obligation but also a moral and societal responsibility necessary for fostering a safe and inclusive society.

OBJECTIVES OF THE STUDY

1. To examine the major challenges associated with the protection of underage persons from sexual abuse in India.
2. To analyse the legal and institutional safeguards available for preventing and addressing child sexual abuse.
3. To suggest measures for strengthening child protection mechanisms and ensuring the safety and well-being of children.

SIGNIFICANCE OF THE STUDY

The protection of underage persons from sexual abuse is a matter of immense social, legal, and humanitarian importance. Child sexual abuse has far-reaching consequences on the physical, psychological, emotional, and social development of children. Such experiences can result in trauma, depression, anxiety, loss of self-esteem, and long-term mental health issues, thereby affecting the overall well-being and future prospects of victims. This study is significant because it highlights the growing concerns related to child sexual abuse in India and examines the effectiveness of existing legal and institutional safeguards.

The study contributes to a better understanding of the challenges faced by children in accessing protection and justice. It also emphasizes the role of families, educational institutions, communities, law enforcement agencies, and policymakers in creating a safe environment for children. By analysing the implementation of child protection laws and welfare mechanisms, the research identifies gaps that require attention and reform.

Furthermore, the study serves as a valuable resource for researchers, educators, social workers, legal professionals, and government authorities working in the field of child rights and protection. The findings and recommendations can assist in strengthening policies,

improving awareness, enhancing preventive measures, and promoting a child-friendly justice system that safeguards the dignity and rights of every child.

RESEARCH METHODOLOGY

The present study adopts a descriptive and analytical research methodology to examine the challenges and safeguards related to the protection of underage persons from sexual abuse in India. The research is primarily based on secondary sources of data, which provide comprehensive information on legal provisions, institutional mechanisms, and contemporary issues concerning child protection.

The study relies on data collected from books, research articles, journals, government reports, policy documents, legal statutes, judicial decisions, and publications of national and international organizations working in the field of child rights. Particular emphasis has been placed on analysing the Protection of Children from Sexual Offences (POCSO) Act, 2012, constitutional provisions, and various child welfare schemes and institutional frameworks operating in India.

A qualitative approach has been employed to assess the effectiveness of existing safeguards and to identify major challenges such as underreporting, social stigma, delays in the justice system, and online exploitation. Relevant literature and documented cases have been reviewed to understand emerging trends and concerns related to child sexual abuse.

The collected information has been systematically analysed and interpreted to draw meaningful conclusions. The study aims to provide a comprehensive understanding of the issue and to suggest practical measures for strengthening child protection mechanisms and ensuring the safety, dignity, and well-being of underage persons in India.

MAJOR CHALLENGES

Despite the existence of legal protections and child welfare mechanisms, safeguarding underage persons from sexual abuse remains a significant challenge in India. Social stigma, underreporting of offences, delays in the justice system, lack of awareness, and increasing online risks continue to hinder effective child protection. Addressing these challenges is essential for ensuring the safety, dignity, and rights of every child.

1. **Underreporting of Cases:** Many cases of child sexual abuse remain unreported due to fear, social stigma, family pressure, and lack of awareness. Children often hesitate to disclose abuse because of threats or emotional manipulation by perpetrators.
2. **Abuse by Known Persons:** A significant proportion of child sexual abuse cases involve perpetrators who are family members, relatives, neighbours, teachers, or trusted individuals. This makes detection and reporting more difficult.
3. **Delayed Judicial Process:** Although special courts have been established under the POCSO Act, delays in investigation and trial continue to affect the delivery of justice and increase trauma for victims.
4. **Lack of Awareness:** Many children, parents, and communities are unaware of child protection laws, reporting mechanisms, and available support services.

5. **Online Sexual Exploitation:** The rapid growth of internet access has increased risks such as cyber grooming, online harassment, circulation of child sexual abuse material, and exploitation through social media platforms.

6. **Inadequate Psychological Support:** Victims often require long-term counselling and rehabilitation. However, access to trained child psychologists and support services remains limited in many regions.

LEGAL AND INSTITUTIONAL SAFEGUARDS IN INDIA

India has established a comprehensive framework of legal and institutional safeguards to protect children from sexual abuse and exploitation. Constitutional provisions, specialized legislation, child protection agencies, welfare committees, and support services work collectively to ensure children's safety, uphold their rights, provide justice to victims, and promote their rehabilitation and well-being.

1. **POCSO Act, 2012:** The POCSO Act provides a comprehensive legal framework for protecting children from sexual assault, sexual harassment, and pornography. It establishes child-friendly procedures for reporting, investigation, and trial.

2. **Constitutional Protection:** The Constitution of India guarantees the right to life, dignity, equality, and protection against exploitation under Articles 14, 15, 21, 23, and 39.

3. **Child Welfare Committees:** Child Welfare Committees play a vital role in the care, protection, rehabilitation, and restoration of children in need.

4. **National Commission for Protection of Child Rights:** National Commission for Protection of Child Rights monitors the implementation of child rights laws and policies and addresses complaints related to child welfare.

5. **School-Based Protection Measures:** Schools are increasingly adopting child protection policies, awareness programs, counselling services, and mechanisms for reporting abuse.

6. **Child Helplines:** Emergency support services such as **CHILDLINE 1098** provide immediate assistance and rescue services for children in distress.

FINDINGS

1. Child sexual abuse remains significantly underreported due to fear, social stigma, family pressure, and lack of awareness among victims and guardians.

2. Most perpetrators are known to the child, including relatives, neighbours, teachers, and trusted individuals, making reporting and intervention more challenging.

3. The POCSO Act, 2012 provides comprehensive legal protection, but effective implementation varies across regions and institutions.

4. Delays in investigation and judicial proceedings often affect timely justice and may increase the psychological trauma experienced by victims.

5. Online platforms have increased risks of exploitation, including cyber grooming, child pornography, and other forms of digital sexual abuse.

6. Awareness, counselling, and rehabilitation services remain inadequate in many areas, highlighting the need for stronger child protection and support systems.

SUGGESTIONS



1. Strengthen child protection awareness programs in schools and communities to educate children, parents, and teachers about prevention and reporting mechanisms.
2. Ensure strict implementation of the POCSO Act through regular monitoring, accountability measures, and effective enforcement by concerned authorities.
3. Establish fast-track courts for child abuse cases to reduce delays and ensure timely justice for victims.
4. Enhance cyber safety education to protect children from online grooming, exploitation, and other digital threats.
5. Provide accessible counselling and rehabilitation services to support the psychological recovery and social reintegration of victims.
6. Train law enforcement officials and educators in child-friendly approaches for handling abuse cases with sensitivity and professionalism.
7. Promote community participation in child protection initiatives to create a safer environment and encourage early identification of abuse cases.

CONCLUSION

The protection of underage persons from sexual abuse is a fundamental responsibility of the State, society, and every individual. Child sexual abuse is a serious violation of human rights that adversely affects the physical, emotional, psychological, and social development of children. Despite the existence of comprehensive legal provisions such as the Protection of Children from Sexual Offences (POCSO) Act, 2012, and various child protection mechanisms, the problem continues to persist due to factors such as underreporting, social stigma, lack of awareness, delayed justice, and emerging online threats.

The study highlights that legal safeguards alone are insufficient unless they are effectively implemented and supported by strong institutional frameworks. Families, schools, communities, law enforcement agencies, healthcare professionals, and policymakers must work collaboratively to create a safe and protective environment for children. Awareness programs, child-friendly reporting systems, timely investigation, psychological counselling, and rehabilitation services are essential components of an effective child protection strategy.

Furthermore, increasing digitalization requires greater attention to online safety and cybercrime prevention measures. A proactive and preventive approach is necessary to address the root causes of child sexual abuse and ensure early intervention. Ultimately, safeguarding children from sexual abuse is not only a legal obligation but also a moral and social imperative. Ensuring the safety, dignity, and well-being of every child is essential for building a just, secure, and inclusive society.

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