



IJRASET

International Journal For Research in
Applied Science and Engineering Technology



INTERNATIONAL JOURNAL FOR RESEARCH

IN APPLIED SCIENCE & ENGINEERING TECHNOLOGY

Volume: 13 **Issue:** IV **Month of publication:** April 2025

DOI: <https://doi.org/10.22214/ijraset.2025.69340>

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Child Sexual Abuse: The Betrayal that Emerges from One's Own Home

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Abstract: *Child sexual abuse (CSA) - A serious, deeply disturbing widespread problem, which is heavily under-discussed and unreported about. Especially the ones where one grows up, where one learns to live - within their own homes, where trust is often betrayed by one, they are taught and supposed to trust. A crime which leaves the minor victims soul to suffer in silence. In this research paper, we will understand Child Sexual Abuse (CSA), its definition, addressing the heartbreaking truth of how the perpetrators are trusted and known people. Understanding this wide spread issues, consequences that the victim has to bear lifelong. The psychological impact of abuse - it's consequences that are long-term - both physically and emotionally, the toll that it brings on the victims mental health and the physiological changes that come with the trauma.*

We further explore the concept of grooming and it's six stages, understanding the strategic actions taken step by step by the perpetrator and see how these manipulative actions play with the victims mind and life . Proceeding to breaking down of what consent means focusing on what a child understands from that word. We will also be talking about 'freeze response' by the victims - A very often misunderstood and misinterpreted action, causing the victims to often feel the need to either over explain or shut down completely. Understanding a issue like CSA and trying to recognize and look for it around us or worse even go though it are two different things and experiences, so we also focused on the factor where we also shed light on recognizing the warning signs of potential child sexual abuse while also understanding how we individuals can try helping the victims who have been through such gruesome experience with care and gentle responses.

We have also provided a simplified analysis of significant sections from the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) which will help one with understanding of the act better and be better informed and lastly our paper also includes real life examples with three cases studies for better comprehension of how law (POCSO Act) can help and guide you with better depth while understanding this issue.

I. INTRODUCTION

Child Sexual Abuse is a serious and harmful act where an older person engages in sexual behavior or an act with a minor. This includes physical acts known as sexual assault, sexual harassment and sexual abuse that manifests into molestation, rape, grooming and many other forms of exploitation such as showing a child inappropriate content that is not suitable for their age. This act of child abuse is commonly known as "Child Sexual Abuse" also known as (CSA).

The World Health Organization (WHO) is a specialized agency of the United Nations (UN) responsible for global public health. Founded in 1948, WHO works to promote health, prevent diseases, and respond to health emergencies worldwide. WHO defines Child Sexual Abuse (CSA) as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developed mentally, prepared and cannot give consent, or that violates the laws or social taboos of society¹.

This heinous act affects millions of children worldwide, including in India. Despite significant efforts made in establishing laws and policies for the protection of the children especially against sexual acts or behavior inflicted upon minors like POCSO (Protection of Children from Sexual Offences Act) 2012². Child Sexual Abuse remains a common but heavily unspoken crime across India.

CSA is one of the most sensitive topics that are often never reported disguised in mystery, surrounded by the fog of cultural taboos, social stigma and the absence of a reliable support system. When we think of a child's safety, do we fear strangers or the familiar faces who you trust the most inside your house?

¹ S. Tyagi & S. Karande, Child Sexual Abuse in India: A Wake-Up Call, NAT'L LIBR. MED. (Aug. 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8445113/>.

² The Protection of Children from Sexual Offences Act, INDIA CODE (2012).

As most of us would like to think and believe that your house is the safest place for your child. Think again- research³ has shown that the number of Indian children who are sexually abused are by people the child knows and trusts - it can be parents, family members, close relatives, teachers or someone acting in loco parentis.

“In loco parentis” is a Latin phrase which translates to “in the place of a parent”. Some of the examples are legal guardians, schools and universities and many more. That person- the institution takes upon the responsibility to supervise and protect the child ensuring its well being and safety. Most of these kids who are sexually abused are manipulated, coerced, threatened, and exposed to the violence that might come upon them or their loved ones if they talked about their experience. They are shunned and silenced especially because they are children, by the people who they are supposed to and told to trust the most. One of the main reasons we see topics like these not being discussed openly is because parents and adults don't know how to introduce the child to the concept of good touch and bad touch at an early age. Many parents struggle to introduce children to concepts like ‘good touch’ and ‘bad touch.’ Using vague terms instead of proper anatomical names can lead to confusion, making it harder for children to report abuse.

II. UNDERSTANDING THE PREVALENCE OF CHILD SEXUAL ABUSE

Childhood sexual abuse is a form of trauma; some people unfortunately have to go through in their life. Some people are able to manage the trauma in a healthy way and do not develop a lot of issues and fight through the difficulties but majority of the people do³, while some of the people are self aware, others are oblivious to the fact as to how their trauma is affecting them and their daily lives. Some of the consequences of these traumatic events manifest into mental health issues like depression, anxiety, PTSD and more.

• What exactly is trauma?

Trauma is the pain caused to the victim causing them to go through emotional turmoil.

Viktor Frankl, an Austrian neurologist and psychologist stated, "An abnormal reaction to an abnormal situation is normal behavior"⁴. Abnormal reaction is exactly that is expected from a person who has gone through a traumatic event, it makes us realize and understand the difficulties they go through, difficulty to express what they're going through because of the fear of people's judgment. The people and their judgment make them feel like they themselves are at fault or “responsible” for what happened to them. Now imagine that entire trauma being inflicted on a child. A child who is at that stage of life where they are understanding, learning and experiencing life for the first time. Child sexual abuse is a big problem which should be talked about and taken into consideration because it is such a prevalent issue. Mainly because so many people do not talk about it. That is what brings this illusion of how it is not a common problem but in reality it is one of the biggest issues. Now it might emerge because of how different child sexual abuse is defined in various places. Some may include sexually abusive behavior that does not involve contact i.e. exposing children to content that is not age appropriate for them e.g. pornographic material, magazines, videos, films etc just for pleasure purposes while others might state that physical contact is necessary for calling the particular act child sexual abuse. If we narrow down the definition of what ‘sexual abuse’ is you'll get low rates and if you broaden it you'll understand the reality of it leading to higher rates⁴.

Depending on how the study is carried out and the way it is examined and analyzed, makes you realize what is going on in the society. We have seen how difficult it is for children who go through such abuse as they prefer leaning on strangers on the internet rather than their parents. Either the parent has not provided a safe space or when the child went to the trusted adult, their feelings were invalidated causing them to feel safer with people who are anonymous or who they can be anonymous with. But at the end there are always a significant number of victims who don't tell, who are never asked and who won't share.

III. THE LACK OF SOCIETAL AWARENESS AND STIGMA AROUND CSA

The societal awareness regarding this issue is very low. We choose not to talk about it, we shun children, silence victims and prevent everyone else making efforts to talk about these issues openly. This causes us to lack even the basic level of knowledge that one should have being a part of our society. Most not having a clear idea or understanding the meaning of terms like sexual assault, sexual harassment, and sexual abuse just says a lot about our society.

³ Gwen Fernandes et al., Prevalence of Child Maltreatment in India and Its Association with Gender, Urbanisation and Policy: A Rapid Review and Meta-Analysis Protocol, 11 BMJ Open e044983 (2021),

https://bmjopen.bmj.com/content/11/8/e044983.Edinburgh_Research+3

⁴ Michael Schreiner, Abnormal Reaction, Evolution Counseling (Sept. 5, 2013),

<https://evolutioncounseling.com/abnormal-reaction/>.

There is a fine line between sexual harassment and sexual assault but both include unwanted sexual advances being made towards the victim. While sexual abuse is a knowing step taken towards the victim who is a child which makes them feel helpless and scared because of their inability or lack of understanding to understand the concept of " consent " or give consent. This leads to most of them being forced to engage in sexual activities without their consent. It is important to understand that different individuals have different experiences, different pain and trauma but have almost similar impact as each other. It impacts their lives in an indescribable way. UNICEF estimates that **1 in 10 children out of 120 million girls experience sexual abuse** before the age of 20⁵, yet the majority of cases never reach legal authorities.

Research 6 even indicates that experiences like such can cause changes in the deep structures of the brain. The child has to face lifelong consequences of that one incident no matter how many times they have gone through it or get used to or how different each time maybe. At the end it affects the child in an irreparable way affecting all the aspects throughout their lives and their decision making skills. If we're talking about how rampant child sexual abuse is in our society then out of 10 roughly 5-6 are sexually abused including the cases that go unreported just because of social stigma. We often see children go through over sexualization because of the sexual trauma they go through; it's the impact of the abuse that is not talked about or observed in children. Suddenly they often go through issues in expressing and receiving love in a healthy manner, they might convince themselves or might feel like the only way they can get affection or feel loved is through sex and doing sexual activities or another case where the child just walks away from any kind of physical contact. The worst part is some kids don't understand what they are doing , they end up doing what they feel is comfortable or known to them not realizing that it is the trauma response that they are dealing with. Even though they are two extremes of the potential same situation, it still affects the child, their development and interferes with their growth.

IV. LONG TERM PSYCHOLOGICAL IMPACT OF CSA

Dismissing their thoughts, silencing them, or expecting them to simply forget impacting a long-term psychological damage.

1) Emotional and Psychological Disorders

Adverse impact is visible on mental health and wellbeing of the child who has been sexually abused and it affects them throughout, from their childhood to their adulthood⁶. Victims can often experience various disorders like anxiety, depression, insomnia, eating disorders. Dismissing their thoughts, silencing them, or expecting them to simply forget impacting something so traumatic may cause a long-term psychological damage. Childhood sexual abuse (CSA) is a severe public health concern, affecting roughly 1 in 4 girls and 1 in 13 boys worldwide (Center for Disease Control and Prevention, 2021).

A large body of research has documented that the negative effects of CSA can persist until adulthood. There is a link between CSA and a variety of mental health conditions, such as eating disorders, anxiety, depression, conversion disorder, schizophrenia, borderline personality disorder, and post-traumatic stress disorder (PTSD). Further, CSA has been linked to a greater risk for substance abuse, suicidal ideation and suicide-related behavior, and adult victimization⁸. Notably, as in other forms of childhood maltreatment, children who are exposed to sexual abuse are likely to become abusive parents. A child who experiences childhood sexual abuse is more likely to experience sociorelational difficulties, cognitive dysfunction, depression, anxiety, internalisation and externalisation of problems, sexualized behaviours, and post-traumatic symptoms because it disrupts the normal developmental trajectories required for healthy socioemotional function. These negative outcomes are affected by the collective impact of several types of victimization, to which the child is commonly exposed in his or her family.

2) Self-Image and Identity Issues

CSA impacts self image and identity development. It leads to damaged self perception, feelings of self hatred and unworthiness. It creates a question at one's self identity. Victims think of themselves as 'damaged, 'unworthy', due to the abuse and the manipulation.

Trauma often causes gaps in memory, dissociation which results in PTSD, depression, anxiety or even dissociative identity disorder. Dissociation is the most common effects of CSA. Some struggle to focus while some zone out. They feel disconnected from their emotions⁷.

⁵ Sexual Violence Against Children, UNICEF (Sept. 9, 2024), <https://www.unicef.org/india/stories/sexual-violence-against-children>.

⁶ Luisa Lo Iacono et al., Psychobiological Consequences of Childhood Sexual Abuse: Current Knowledge and Clinical Implications, 15 Front. Neurosci. 771511 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8678607/>.

⁷ Kate Walsh et al., Adult Coping with Childhood Sexual Abuse: A Theoretical and Empirical Review, 15 Aggression & Violent Behavior 1 (2010), <https://pmc.ncbi.nlm.nih.gov/articles/PMC2796830/>

Dissociative identity disorder (DID)⁸ is a reaction to a trauma as a way to help a person to avoid bad memories. DID occur in individuals who experienced severe repeated trauma especially during childhood. Trauma such as physical, emotional or sexual abuse. They develop coping mechanisms like self harm, eating disorders, substance abuse or hyper sexuality .

3) *Impact on Relationships and Attachment*

CSA impacts a child's ability to form healthy attachments. Trust becomes a challenge, especially when the abuser was someone close or in a position of authority. Survivors may either grow up become hyper-independent Or pushing people away to avoid getting hurt again, or develop anxious attachment styles, clinging to relationships out of fear of abandonment. Intimacy both emotional and physical can be particularly triggering, often leading to avoidance, discomfort, or retraumatization during sexual encounters and develop issues with intimacy and struggle becoming close to people⁹. Setting boundaries is another issue they might face. This can lead to vulnerability to further exploitation or difficulties asserting themselves in personal and professional relationships.

4) *Behavioral and Cognitive Effects*

Victims of CSA often experience cognitive distortions. Cognitive distortions are biased thoughts that can distort the way a person sees themselves, their life, their specific day to day situations, their relationships and other people. Many develop cognitive distortions which are inaccurate or irrational thought patterns. Child sexual abuse not only impacts emotions but also impacts their behavior and thoughts. Common distortions include: "It was my fault", "I deserved it", "I can't trust anyone", "I am broken beyond repair." These thoughts interfere with an individual's life and impact their self-esteem, the need to be perfectionist, hyper vigilant. Some survivors might also struggle to concentrate, to make decisions, or impulse control. Survivors might engage in risk-taking behavior, become socially withdrawn, or act out in school or at home, especially during adolescence. These behaviors are not signs of rebellion but signs of pain, often misunderstood by society.

V. UNSPOKEN CRISIS OF CHILD SEXUAL ABUSE

Child abuse doesn't see age, gender, race, color or the perpetrator's background but betrayal because most of the cases occur because of the harm and abuse inflicted upon the child by someone who is living or close to the child possibly a family member or relative. A child is not aware of who they should trust because all they know is that they should trust adults because they are taught to trust them as they will take good care of them¹⁰.

Unaware of the reality, the child may not recognize that the very adult they trust could be someone they should maintain distance from.

The consequence of child abuse is that the child begins to question the love and care offered to them because they don't know who to trust anymore. Even when they make desperate attempts to rebuild trust, lingering doubts continue to surface which is a natural response to their experience. Discouraging them from speaking about their experience or expecting them to simply forget it, often overlooks the long-term impact that the child goes through. The trauma, rooted in childhood, can surface later in life, affecting their ability to build and maintain healthy romantic relationships, friendships, and other personal connections.

1) *BLAME*

In India, especially in most conservative families, family honor is given the top most priority. Family reputation is given more priority than an individual's feelings and suffering. CSA is seen as something which will bring shame and disgrace to the family. If the perpetrator is a respected known figure or a family member such as father, uncle, teacher then the members find it difficult or chose to not accept that they would commit such an act or make the child believe it may be some kind of misunderstanding. This creates a biasness where the victim is silenced or doubted and the perpetrator is given the benefit of doubt. In patriarchal societies, girls are expected to act in a certain way. Girl standing up for themselves is being disrespectful and blamed for tarnishing their family name. In traditional Indian societies, a woman's worth is linked with her chastity.

⁸ Sheppard Pratt, Dissociative Identity Disorder (DID),

<https://www.sheppardpratt.org/knowledge-center/condition/dissociative-identity-disorder-did/> (last visited Apr. 20, 2025).

⁹ Laura E. Kwako et al., Childhood Sexual Abuse and Attachment: An Intergenerational Perspective, 15 *Clinical Child Psychol. & Psychiatry* 407 (2010), <https://doi.org/10.1177/1359104510367590>.

¹⁰ Roseline Florence Gomes & Vanhmingliani Hnamte, Contextual Analysis on the Intensities of Cognitive Distortions of Children Who Witnessed Sexual Abuse, *JETIR*,

<https://www.jetir.org/papers/JETIR1810866.pdf>.

Her value is tied to societal expectations. The fact that a child cannot consent to abuse still they are seen as 'damaged'. This affects their acceptance for future prospects for marriage. The parents believe that speaking out could bring shame and negatively impact their daughter's future.

Difficulty in connecting with partners, fear of physical intimacy, if her past is revealed she's blamed or there's suspicion questioning her role in the abuse. There is a biasness created in society and in the case of boys, society often overlooks the fact that a 'boy' has gone through it. Society finds it hard to believe even with the thought of it. Parents fear that the boy's manly hood will be questioned. Crimes against them are underreported as they have to carry the trauma of judgment, shame and most of the times they are not believed¹². They are taught how they should be strong or manly, or they would be considered weak or people would question their masculinity. As a child growing up they are often taught that they must suppress their emotions. Phrases like "boys don't cry", "be strong", "be a man" and much more that we are not aware of. These are the sentences that society makes boys tackle.

2) GUILT

Guilt as an emotion can shape one's self perception. Victims of CSA often feel responsible for what has happened with them. The perpetrator manipulates the child making them believe they are responsible or they encouraged the abuse. The guilt of thoughts like "I could have stopped it", "I must have done something wrong", "if I speak about it, no one is going to believe me". Such thoughts stop the child from opening up about their abuse. If the perpetrator is a family member it becomes much more difficult for the victim. Making them feel alone, helpless and cornered so because of the fear of not fitting in, talking about what they went through is often deciphered as "complaining", making them stand out so they do not talk about it and suppress and that is what makes one feel like they're going through it all alone. They should understand all of the above are natural responses to their pain and a much more excruciating painful experience to talk about rather than looking at it as a sign of weakness.

3) SHAME

While guilt arises from feeling responsible for one's actions, shame is a deeper sense of worthlessness and self hatred making you believe that¹¹. Shame is an intense emotion that can be described as believing there is something wrong with you that has caused the sexual abuse you experienced¹². Children find it difficult to comprehend what abuse is and why the abuse is happening with them. They lack ability as to recognize abuse for what it is. If the abuser is a trusted figure- a parent, relative or teacher. There is blame from within, where the child believes that they are responsible for their own abuse. This makes them question their self worth, "How could I let this happen with myself?" Shame and disgust can accompany any type of abuse but when one is abused sexually, assaulted or raped, victims often end up thinking it is their fault. They end up blaming themselves and question their own existence and capabilities. It takes a lot for an individual who has gone through so much to even talk about the abuse even after years.

It is our duty to make sure they feel heard, seen and understood so rather than blaming the child or shaming the child for the unfortunate experience they went through staying with them while reassuring them with your actions and words.

VI. GROOMING: A STEP ALWAYS INVOLVED IN CHILD SEXUAL ABUSE

Grooming means to prepare for a particular purpose. Grooming is a manipulative process by which a sexual perpetrator builds a relationship with a child by gaining their trust, exploit and control them for abuse ensuring secrecy. Grooming can happen in person or online and can involve manipulating the child's family to gain trust and access.

The Six Stages of Sexual Grooming

1) STAGE 1: Targeting the victim

Children are vulnerable beings. The perpetrator targets a vulnerable child or children who have less parental oversight. A child without an authority figure who they can trust. Sexual perpetrator carefully chooses children based on their emotional, psychological and social circumstances. They target children based on their background, financial situations, social interaction with other children. They target children who can be easily manipulated, less likely to be believed or won't disclose about the abuse. They target minors who may express sadness and loneliness.

2) STAGE 2: Gaining trust

The perpetrator will analyze and find ways to get access to the child. The perpetrator provides them with special attention. It is a direct form of grooming. Once the perpetrator has figured a way, they gain the trust of the child by making them feel special,

¹¹ Christianez Ratna Kiruba, Silent Suffering, THINK GLOBAL HEALTH (Apr. 27, 2023), <https://www.thinkglobalhealth.org/article/silent-suffering>.

¹² RAINN, Lesson 2: Understanding and Healing from Shame, RAINN, <https://rainn.org/CSALearning/Week2> (last visited Apr. 20, 2025)

understood, valued by providing attention. They often get close with the family and gain their trust. It even reduces the chances of suspicions since they become a trusted member. Soon the child begins to depend on the abuser emotionally, financially, etc. The abuser will start physical interactions, like hugging, tickling, to see the child's reaction and whether they would report it. This stage is a real threat because the child and family can't understand or notice the motives of the perpetrator.

3) *STAGE 3: Providing gifts and attention*

Once the perpetrator has identified and is able to gain access to the child, they begin creating a sense of dependency through consistent affection, gifts, and personal attention. It isn't generosity, love or care. It is clearly strategic. The gifts are chosen carefully which are meant to make the child feel valued and in debt. They may receive gifts like toys, gadgets, sweets or even money, things that give a false sense of care and an illusion of special treatment. They not only provide materialistic offerings but provide emotional validation, praise, and attention. They make the child feel seen, heard, and important which can be something they weren't provided with and experiencing for the first time in their lives. This emotional bond becomes addictive. The child begins to seek comfort, reassurance, or approval from the abuser, unknowingly stepping into a trap which was made to confuse and control them. This stage lays the groundwork for secrecy. The abuser may say things like, "Don't tell anyone I got you this," or, "This is our little secret," normalizing the idea of hiding aspects of their relationship. It starts subtly and builds over time. The child overtime begins to think they must protect the bond. They don't want to lose the affection or the sense of being special. And when abuse begins, the child may not recognize it as such because they associate the relationship with care and kindness. The confusion is exactly what the predator wants. It keeps the child silent, compliant, and emotionally isolated.

4) *STAGE 4: Isolation*

The predator may try to separate the child from their family emotionally. They convince the child that they share a special bond. They isolate the child from everyone; building a bond with the child in private and secrecy without the knowledge of the parents or caregivers/loved ones. They make the child believe they care about them more than anyone in their life. The perpetrator makes the child believe that they truly understand or care about them. This isolation makes them disconnect with people close to them which thus leads to mistreatment not being witnessed. They build this wall in between the victim and their loved ones which makes the child lean solely on the abuser itself. They isolate the victim completely and begin to take up so much of the victim's energy, and the victim starts to find others less interesting or gets disinterested, disconnecting the victim from their loved ones.

5) *STAGE 5: Sexualizing*

The abuser begins to expose the child with sexually explicit content, language, or behavior. They make the child feel that it is normal to sexualize themselves by showing them content that sexualizes individuals. They normalize sexualization in the relationship or bond they have established. In some cases the victim sees the perpetrator getting happy while watching the content and they feel the need or assume that it would make them happy. So they go ahead and sexualize themselves to make the perpetrator happy. Activities such as exposing them to pornography, making sexual jokes or comments, sharing "secrets" about adult relationships. Introducing sexual touch as accidental or playful to the child. The stage confuses the child. Some may even mistake the attention as affection, especially if they've lacked love or validation in their life.

6) *STAGE 6: Control and secrecy*

By this stage the child is dependent on the abuser. Their self esteem, self worth, the concept of self is destroyed by the abuser and that's where the perpetrator has whole control over the life of the victim. Perpetrators use secrecy and blame for child's continued participation and silence in the abuse. They manipulate the child into thinking that is something they wanted, they knew what it was, and they willing got themselves into this cycle. Making the child feel they knew what is was and they wanted this. The perpetrator uses the child's silence as a weapon to their abuse. They convince the child that it was completely their fault from the beginning and no one would believe them.

VII. UNDERSTANDING THE CONCEPT OF "CONSENT"

What is consent?

Consent is something that is evaluated to be mutual agreement which is built on the foundation of proper and effective communication and respect while understanding clear boundaries with limits.

While anything that takes place through manipulation or under pressure, talking with that person while pursuing them into giving in, that is failing to understand boundaries set leading to lack of consent is considered as something that is 'not consent'.

In most Indian households, we commonly hear comments like "don't wear that, it's too short", "don't wear that, its sleeveless", "Are you flaunting your body for attention?" we are often told to change or compromise in the way we look, dress and act because it has become a common and a much normalized thing to say and believe that just because you're wearing something that shows skin it implies consent. If you're doing some action that is perceived to be sexualized no matter what the age; then you are "asking for it" not realizing we are also sowing the same seeds of our mentality in our future generations minds.

VIII. THE FREEZE RESPONSE: WHY DO VICTIMS NOT REACT LOGICALLY?

We talk about flight or fight response as our immediate reaction to unpleasant situations but it's not possible because most people freeze in such situations unable to process what is happening in front of them or with them or around them. We have often heard people say to the victims of sexual assault and sexual abuse as to "why did you not scream?". It is very insensitive considering that most freeze if they themselves were caught in a particular situation that causes several physiological changes occurring in our body like our heart racing, muscles tightening, your body is suddenly heavy and you can't carry your own weight even though your mind is screaming to run? The rush of stress hormones like adrenaline can make it feel impossible to move leading to a freeze response where your body feels immobilized, which does NOT imply consent¹⁴, absolutely unable to react or process what is happening, some end up having blurry vision in that moment, some lose bladder control, some feel numbness. One doesn't have the opportunity or the time to observe, understand, scan or process anything that is happening with them. If all of the above factors just makes it impossible for a perfectly functioning adult to take action in these situations; imagine what the victim who is a child has to go through, the child who doesn't have any idea as to what did he or she do to deserve to be in that place. What will that child do¹³?

IX. RECOGNIZING THE SIGNS OF SEXUAL ABUSE IN CHILDREN- UNDERSTANDING AND SUPPORTING THEM THROUGHOUT THE PROCESS

When children experience sexual abuse they often rely on an adult mostly their parents for support. While expressing to the adult, making them understand what happened with them, the child is using their emotions as their language indicating for help while adult's usually rely on logic. Being adult's we often forget that the child cannot communicate using logic all the time because there is a significant difference between a child and a grown adult's brain and way to perceive things and comprehend situations.

Infants aged 3-4 who are not even able to speak might develop issues like speech delays, excessive crying, or might feel irritable and have unpredictable mood swings. All of these factors and many more halt their development happening mainly because of the sexual abuse. One of the important signs which might indicate that the child has gone through sexual abuse is when there's a change in their body language or emotional expressions - refusing to go to a relative or a particular family member or a particular gender, suddenly going quiet when a particular individual enters the room, or their demeanor changes from talkative kid to a quiet kid, refusing to go to a particular class or teacher or a mentor, suddenly expressing their dislikes of that person, urging the parent's to not be around them. These signs clearly indicate that there are high chances that the child has been abused by that person or of that gender or a person of that profession.

The best way you can react and help your child if they have shared their story or if you suspect abuse, is have to a safe, judgment free and open conversation. The top priority must be ensuring that they feel safe, heard, believed. Even though we instruct our kids to come home before dark, not to talk with strangers, not to accept anything from them or eat anything they offer but what we don't realize that the chances of getting assaulted or sexually abused by a stranger is less than by someone known. Abuse is often done by the people who you call family, parents, siblings or uncles; it comes from within our own home. The thought itself, that it can be your own blood who can be the victim or the predator sitting right next to you and that is why often legally moving forward with reporting the crime is challenging either for the family or the victim alone because the family is involved.

Families often get tied up with personal relations, societal pressures, blame games, shaming, and phrases like "what will the society say?", "what will people think about us?", "our family's name will be ruined". This destroys the child's mental health just to keep the family and its reputation intact. It is considered as a 'sacrifice' and in a society that glorifies self sacrifices and chooses to prioritize their reputation in society over the suffering of the victim who is unfortunately also a child in the family.

¹³ Wilson, Victoria. Neuroscience Shows Why Sex Assault Victims "Freeze." It's Not Consent. Duke Research Blog, July 6, 2023. <https://researchblog.duke.edu/2023/07/06/neuroscience-shows-why-sex-assault-victims-freeze-its-not-consent/>.

This mindset makes people hesitate and not report the crime. What they don't realize is it increases the audacity and confidence of the predator, which encourages them and their actions without any fear of consequences.

Imagine what the child goes through looking at their perpetrators face every single day while trying not to think about what happened with them, while hiding every day in a new corner fearing the predator might come again for them. With endless fear in the child's mind, they are expected to go on with their life without anyone making any efforts trying to understand what they are going through or even hear about how they coping through it. Perpetrators have this belief that their actions will be overlooked because they are part of the "family". This gives them confidence which then begins a cycle of abuse. The moment you suspect something, have sessions with a therapist, understand what questions to ask, how to ask them and understand how to validate their feelings.

Handling these conversations with sensitivity can prevent secondary victimization that most kids go through just because of the responses or reactions that adults end up giving them unintentionally, traumatizing the child further with the approach one decides to pick. Here the actions taken by the family to protect the predator affects the victim, so deeply that there are high possibilities that that child might never be able to look and lean on their family. In fact, it changes their idea and perception of families because first it breaks the trust and faith the child has in the concept of families, Secondly, after knowing that the predator is a family member, the whole family internally shatters and the trust is broken instantly. This betrayal breaks their trust and faith in the very concept of family and familial bonds. Family members struggle as it can be a lot for them to take in, some might react while some might remain silent and pretend like it never happened maybe either because they do not know how to react or do not know how address that matter at all. Some adults freeze not understanding how to react to the situation, while the child is waiting for adults to taken responsibility and some action to protect him or her. Since childhood it has been taught to children to run to parents or adults for comfort in hurtful situations but when the child reaches out and does not get the assurance, comfort and validation they need and deserve in that moment, they feel unheard and shattering them from inside. Suppressing the thoughts and emotions of something traumatic can have so many consequences to it. It can trigger disgust while looking at one's own body or some particular action that they do, it might also trigger shame because then self doubt starts creeping in with guilt and the child will start believing maybe they deserved it and might cause potential obstacles with ones sexual orientation, sexual identity or their sex life. It might make the child lean on harmful habits and behaviors just so they don't feel anything. Getting addicted to substance, smoking, drinking or self harm in a way punishing themselves for "not knowing better", "for not taking any action against them" or questioning as to why did they take any action against them". An incident that alters your brain and you as a person, saying that such incident should be just forgotten. It not only invalidates the child's feeling but leads them to a path of abuse and might turn them into an abuser because they did not know how to navigate their way from their suffering. Most of these issues go unnoticed because it has become their coping mechanism and they think it's so normal that don't see any wrong in their actions.

Seeking professional help with a therapist or a child psychologist can be beneficial for your child and yourself. Witnessing a child go through so much can be difficult and overwhelming but with one's presence, reassurance and support can help them build a sense of security. Knowing they have that support causes them to feel a little safe again but seeing a clinical psychologist or a visiting a therapist is a crucial and necessary step. Therapy is something that exists to heal. It will heal the child's vulnerable self that has been stripped away. The sooner the child is able to get express, understand and process what they have went through in a healthy way with an individual with the help of a therapist or expert, the child is less likely to suppress their trauma.

Any of the things they're forced to do or are engaging in, they start to do it like a chore or duty and it has nothing to do with how that individual actually feels about that particular action or behavior sometimes. It's a trauma response done just to comprehend and process until you understand it.

"The talk" that takes so much courage from parents to talk about to with a child, can bring that child some sense of comfort and safety. It helps a child be vulnerable, open up about their past or reassures that they have someone to lean on no matter what. When a child comes to us telling us about how someone touched them or hurt them it is important for adults to pay attention, trust the child, validate their feelings while attentively listening to them and take an action against it. The child begins to self doubt if their feelings aren't validated causing children to start invalidating their own feelings.

Create a space for them to share vulnerably rather than bringing more pain because "Burden shared is burden halved ".Make sure your child feels like they are your priority, keep checking up on them and how they feel, assure them you are there for them. The reason CSA is increasing is because children being so young don't understand they are being violated and when they do realize, they cannot speak about it. Most families are ashamed or uncomfortable to even speak about it which keeps the crime underreported. Symptoms peak during adulthood, years after the abuse has occurred. The trauma of being abused is carried all throughout their life.

X. PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 (POCSO)

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto. It is applied to the whole of India. POCSO Act is an act that aims to prevent child sexual offenses, providing child-friendly judicial process, speedy trial and time limit of a year for disposal of cases. Under this act we see the types of offenses inflicted upon the children with punishments.

The Protection of children from sexual offences (POCSO) aims at safeguarding children against sexual abuse and exploitation. It defines the various sexual offenses, punishments, procedure for reporting and trial and their exceptions and special court dedicated for matters of POCSO.

Short title, extent and commencement (section 1)

This section starts by stating what POCSO is, what the act is called and how it extends to the whole of India.

Definitions (Section 2)

States the definition of following punishments listed below from section 3 also defining "child" (anyone below the age of 18) while also talking about "special court" And "special public prosecutor" under their respective sections.

Then POCSO talks about the '6 offences' defined in the act as listed below with their punishments included:

1) Penetrative sexual assault (Section 3)

When an individual penetrates his penis/any object /a part of the body (e.g. finger), into the vagina, mouth, urethra or anus of a child or manipulates any part of the body of the child causing penetration or applies his mouth anywhere on the child or makes the child do any of the above listed things or compels a child to do so with another person with or without consent penetrative sexual assault is said to be committed

Punishment for penetrative sexual assault (Section 4)

Punishment of this crime would result into the individual being punished with imprisonment of 10 years which also may extend to imprisonment for life.

Also if the child is below the age of 16, the term of imprisonment will not be less than twenty years, but which again may extend to imprisonment for life.

Fine would be applied in both the cases to the victim to meet the medical expenses and rehabilitation of the victim.

2) Aggravated penetrative sexual assault (Section 5)

This section states about how when any of the trusted authorities e.g. public servant, staff of hospital, individual or in gang commit this crime or commits the crime with the child using deadly weapons or corrosive substance or causes grievous hurt or bodily harm and injury to the sexual organs of the child or causes the death of the child or if one is a parent, blood relative, in a trusted position of authority of the child and takes advantage of a child's mental or physical disability is said to be committing penetrative sexual assault on the child.

Punishment for aggravated penetrative sexual assault (Section 6)

This crime would lead to 20 years of imprisonment which may extend to life time imprisonment with fine imposed, paid to the victim.

3) Sexual assault (Section 7)

When one touches or makes the child touch vagina, penis, anus or breast with sexual intention, when physical contact without penetration is done with sexual intention it is said to commit sexual assault.

Punishment for sexual assault (Section 8)

Punishment for this crime would not be less than 3 years and may extend to 5 years, while also liable to fine.

4) Aggravated sexual assault (Section 9)

This section states about how when any of the trusted authorities eg public servant, staff of hospital, individual or in gang commit this crime or commits the crime with the child using deadly weapons or corrosive substance or causes grievous hurt or bodily harm and injury to the sexual organs of the child or if one is a parent, blood relative, in a trusted position of authority of the child and takes advantage of a child's mental or physical disability or anyone who commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law or whoever commits sexual assault on a child and makes the child to strip or parade naked in public is said to be committing aggravated sexual assault on the child.

Punishment for aggravated sexual assault (Section 10)

Punishment for aggravated sexual assault is 5 years which may extend to 7 years, also liable to fine.

5) *Sexual harassment (Section 11)*

Any person who utters any sound or word or does any gesture making sure the child is watching or listening or exhibits his body with the sexual intention of displaying it to the child or stalking the child through electronic, digital or any other means is sexual harassment.

Punishment for sexual harassment (Section 12)

Punishment for sexual harassment would lead to imprisonment of 3 years with fine.

6) *Using of child for pornographic purposes (Section 13)*

Any depiction or use of a child in any form of media may it be photographs or videos showing sexual organs of a child or engaging sexual acts with or without penetration

Punishment for using child for pornographic purposes (Section 14)

Would lead to imprisonment of 5 years with fine and if the individual is convicted for the second time or has experienced subsequent conviction regarding the same or similar crime imprisonment is extended to 7 years with fine.

Punishment for storage of pornographic material involving child (Section 15)

Any person, who stores or possesses pornographic material involving a child, and doesn't delete or report the same to authority, or has the intention to share the child pornography, that individual shall be liable to fine not less than 5000 and in the event of second or subsequent offence the fine will be 10,000

Abetment of an offense (Section 16)

Anyone who takes part in this offense or does the offense or helps in doing the offense shall be committing offense punished by POCSO.

Punishment for abetment (Section 17)

Any act done under this act leading to the offense taking place may it be by offering aid, by instigating the offense or by any means will lead to punishment law

Punishment for attempt to commit an offense (Section 18)

Any one who commits any offense under this act will face imprisonment or fine or both

Reporting of offenses (Section 19)

Anyone who has an idea that any offense under this act has been committed or is likely to be committed has to provide the information to the legal authorities.

This section (Section 19 (1)) also understands the importance of the child understanding the content recorded and addresses it in the act.

In this section it is also mentioned in (Section 19(7)) that anyone who reports the crime happening or likely to happen in good faith won't be held liable for the information they've provided.

Punishment for failure to report or record a case (Section 21)

Any person who fails to report a case of any of the offenses under this act shall be punished with Imprisonment of 6 months, fine or both.

Procedure for media (Section 23)

No information of the child should be disclosed to any media or extra care should be taken of, to prevent any information which threatens the identity of the child to be disclosed if anyone fails to follow the above they shall be liable to imprisonment of 6 months which may extend to 1 year or must pay fine or face both.

Recording of the statement of a child (Section 24)

Recording of the statement of a child should be done where the child resides or any place of the child's choice. The above section (section 24(5)) also talks about the responsibility of the police officer recording the statement to protect the child from public media unless directed by the special court in the interest of the child.

Medical examination of a child (Section 27)

This section talks about how if the victim is a girl child medical examination should be conducted by a doctor who is a woman and the examination should be conducted in the presence of the child's parent or someone that the child trusts and in case the parent cannot be present the examination is supposed to be conducted in the presence of a woman nominated by the head of the medical institution.

Designation of special courts (Section 28)

For the purpose of speedy trial each district will be designated to have a court of sessions to be a special court to try offenses under this particular act

Period for recording of evidence of child and disposal of case (Section 35)

The evidence of the child shall be recorded within 30 days of the special court taking cognizance of the offense and the disposal of the case is to be done within a year from the date when the cognizance of the offense was done.

XI. RUPI BABBAR V. STATE (CRL.M.C. 5329/2024) & (CRL. M.A. 20393/2024) – VICTIM MOTHER NOT LIABLE FOR DELAY IN REPORTING CSA

In this significant ruling, the Delhi High Court quashed charges under Section 21 of the POCSO Act against Rupri Babbar, mother of a minor girl who was sexually abused by her father, Rajeev Babbar. The FIR, filed on 6 June 2021, alleged repeated sexual assault, threats, and physical abuse by the father since the victim was in 7th grade. The petitioner took her daughter to a psychiatrist on 5 June 2021 and reported the matter to the police the next day. Despite this, the accused, while out on bail filed an application to summon the mother for delayed reporting. On 2 May 2024, charges were framed against her under Section 21 POCSO. She challenged the order under Section 482 CrPC, arguing that she was also a victim of severe abuse and acted as soon as she was able. The Court, after interacting with the now-major prosecutrix, noted that both mother and child acted in good faith, and the delay was due to fear, trauma, and a hostile domestic environment. The Court held that prosecuting the mother under Section 21 would amount to grave injustice and set aside the charges. The trial was directed to proceed only against the main accused - the father.

XII. BANSIDHAR ANNASHEB HARIDAS GHUMARE V. STATE – CONVICTION FOR AGGRAVATED PENETRATIVE SEXUAL ASSAULT UNDER POCSO

In this case, the Bombay High Court upheld the decision of the trial court. Bansidhar Annasaheb Haridas Ghumare, incharge of a boarding house run by Sant Nivrutti Maharaj Ashram in khed taluka of Pune. He was found guilty of repeatedly sexually assaulting three minor boys who were 13, 14, and 15 respectively between October 2013 and January 2014. These kids were all inmates of that boarding school.

The Appellant, from October 2013 used to call the P.W. No. 2 (prosecution witness number 2) who was a male child victim, an inmate of the boarding school, to his room and then used to put his penis in the mouth of that male victim child and also used to commit carnal intercourse with that child against the order of nature.

P.W. No. 3 (prosecution witness number 3) who also was a male victim child and an inmate of that boarding school, was called in the appellants/accused's room on 18/01/2014 and 19/01/2014 and committed carnal intercourse with that child against the order of nature.

Appellant/Accused on 26/01/2014 called P.W. No. 3 and P.W. No. 1 (prosecution witness number 1) who was also a male victim child, again also an inmate of that boarding school, to his room in the name of watching television after sometime P.W. No. 3 was told to leave while P.W. No. 1 was asked to stay. The Appellant/accused started fondling with the victim and proceeded to threaten to kill him. He thereafter put his penis in the mouth of the child, committing Carnal intercourse against the order of nature with P.W. No. 1.

On 21/01/2014 all the inmates of the boarding house had gathered and P.W. No. 1 at that time narrated the incident of what had happened with him to P.W. No. 2 and P.W. No. 3 and P.W. No. 1 coming to knowledge of the fact that similar incidents have taken place with the other two victims as well, P.W. No. 1 telephoned and informed about the unnatural act of the Appellant / Accused to his father, Ramhari, P.W. No. 5, who Rushed to boarding school, who upon reaching was informed about the suffering of the other two victims who proceeded to inform about it to the fathers of P.W. No. 2 and P.W. No. 3

On 30/01/2014 P.W. No. 1, accompanied by his father P.W. No. 5 went to police station and lodged a report against the appellant / accused for the offenses punishable under sections 377 and 506 of the Indian penal code and under Section 4 and 6 of the POCSO Act

Medical examination conducted by (P.W.No 4) - Doctor Sunil Darode on 30/01/2014 confirmed a injury on the anal region of one of the victims (P.W.No 3) though no injuries were found on the private parts of P.W. No. 1, P.W. No. 2

The Appellant/Accused had challenged this appeal.

Defence arguments - Defence of the appellant/accused was of total denial of the following crime because according to him, his way of disciplining was not liked by the inmates of the boarding house and, therefore, claimed that he is being falsely accused of the crime

Appellant/Accused Counsel appearing for him also argued on the point that there was no television set in the Ashram and, therefore, reason for the Appellant/Accused calling the victims to his room as stated by P.W.No.1/male victim child is false. They further also pointed out on how the victims had opportunities to cry and call for help as inmates of that Boarding House used to stay up at midnight to study.

Also focusing on how the victims did not talk about their sufferings soon after the incident to others even though the locality of the boarding house was populated. They also pointed out as to how the FIR was lodged after four days even after disclosing about the incident to P.W.No.1(victim) father P.W.No.5 Ramhari.

The argument that the P.W.No.1(male victim child)had backed him when the existence of television set was questioned by the accused's defense which was clarified by P.W.No.1 Claiming though there is no television set in the Ashram, the Appellant/Accused was having a laptop.

The delay of the lodging of the FIR was also questioned in the court, for which, prosecution witnesses had to provide a satisfactory explanation for the delay in lodging of the FIR.

The trial court convicted Bansidhar Annasaheb Haridas Ghumare under:

Section 377 IPC – 10 years of imprisonment with a fine of rupees 5000

Section 506 IPC – 1 year of imprisonment with a fine of rupees 1000

Section 4 POCSO – 7 years of imprisonment with a fine of rupees 2000

Section 6 POCSO – 10 years of imprisonment with a fine of rupees 5000

The High Court quashed section 4 charges from the POCSO Act as it talked about " Punishment for Penetrative Sexual Assault" And as it was proven that the accused was guilty of "Punishment for Aggravated Penetrative Sexual Assault" Which is section 6 of the POCSO Act and since the trial court had given punishment for offenses under both the sections of the POCSO Act, section 4 of POCSO Act was quashed but the rest of the judgment was upheld by the high court of the trial court .

XIII. SIDDARTH DAGADU SONDE VS. THE STATE OF MAHARASHTRA (BOMBAY HIGH COURT, 28 AUGUST 2017) — CONVICTION UNDER POCSO AND IPC UPHELD FOR SEXUAL ASSAULT OF A MINOR

The case highlighted how victims, especially minors, may hesitate to report abuse due to the fear of being blamed or shamed. In this case, the Bombay High Court upheld the conviction of Siddarth Dagadu Sonde, who was accused of sexually assaulting his wife's niece (PW1), a minor girl. Since the father of the prosecutrix (PW1) died and the mother was suffering from poverty, the victim had been sent to live with the accused and his wife in the Yerwada area of Pune for educational purposes.

The prosecutrix started residing with her paternal uncle i.e the appellant/ accused and her paternal aunt Vandana as well as their children and took admission in the 7th standard at Netaji Subhashchandra Bose High School, Yerwada, Pune.

During her stay, the accused allegedly sexually assaulted her on several occasions, including asking her to massage his private parts, touching her breasts, attempting to penetrate her, and sleeping on her body. The accused threatened to kill the victim's mother if she disclosed the incidents.

The crime was disclosed when the victim refused to return with the accused and his family during a visit in May 2013, revealing the abuse to her mother, Suman Gaikwad (PW2) who then reported it to the authorities.

A case was filed under Section 376 IPC (rape) and Section 4 of the POCSO Act. Despite the delay in reporting the crime, the court found the delay justified due to the victim's fear and the accused's influence over her.

Defense Arguments: The defense argued that the delay in filing the FIR cast doubt on the truth of the allegations, claiming the victim had ample opportunity to report the abuse earlier. The accused also claimed the charges were fabricated due to family disputes. The appellant's lawyer argued that there is no evidence of penetrative sexual intercourse, as the victim stated that the accused tried to insert his penis into her vagina but did not succeed. Hence, the charge under Section 376 (rape) of the IPC or Section 4 of the POCSO Act should not apply.

Now, according to Section 376 of the IPC, rape is the act of sexual intercourse by a man with a woman. The law does not require complete penetration to prove the offense. Even slight or partial penetration is enough to qualify as rape. The victim was a minor; she might fully understand the concept of sexual intercourse. She explained the act of the accused.

The victim was medically examined by (PW4) Dr. Swati Kagne, a gynecologist, a resident doctor working with Sassoon hospital. It was found that her hymen was torn with old healed tears.

It is important, that the testimony of the victim, regarding the sexual assault by the accused is strongly backed by the evidence given by her mother (PW2) and her grandmother (PW3). Both PW2, the mother and PW3 the grandmother testified that the victim had informed them about the sexual assault earlier. Because they are repeating the statements of what the victim told them at the earlier time, the statements are considered as "previous consistent statements".

Under section 157 of the Indian Evidence Act, such statements are admissible in court to support the credibility of the victim's testimony.

The court acknowledged the delay in reporting but ruled that the victim's fear and the accused's manipulation of his position within the family were valid reasons for the delay. The victim's consistent testimony, backed the statements of her mother and grandmother, as well as medical evidence indicating sexual assault, convinced the court of the accused's guilt.

The Bombay High Court upheld the conviction of the accused under Section 376 IPC and Section 4 of the POCSO Act, maintaining the sentence of 10 years rigorous imprisonment and a fine. However, it quashed the separate sentence under Section 376 IPC as it was duplicative with the sentence under Section 4 of the POCSO Act. The appeal was partly allowed, with the conviction standing but the duplicate sentence removed.

XIV. CONCLUSION

Desmond Tutu stated, "If you are neutral in situations of injustice, you have chosen the side of the oppressor." The silence, suppression and hesitation contributes to this violence and crime. Despite legislative measures like the Protection of Children from Sexual Offences (POCSO) Act, the prevalence of CSA remains large due to societal stigma, cultural taboos, and a lack of open dialogue. Ultimately, CSA is not just a personal issue for the victim. It is a societal problem that needs collective action. Addressing CSA requires both legal and cultural shifts, as well as a commitment to ensuring that children are taught about boundaries and consent from an early age. Statesman Edmund Burke said "all that is needed for the forces of evil to triumph is for good men and women do nothing." To break the cycle of abuse, it is crucial to increase awareness, foster open conversations, and build a support system for survivors. One of the crucial steps for this change is education and it must begin at home. A child's home is the first learning ground. Parents must provide a safe space for a child to feel heard and validated. From a young age, they must be taught body autonomy, consent, boundaries, understanding what is good and bad touch, importance of the word 'no'. Schools should include the curriculum about sex education and good/ bad touch. Only through a combined effort can we hope to create a safer environment where children can grow, learn, and thrive free from the effects of sexual abuse. Parents should look out for signs which could potentially point out that the child is being abused somewhere.

Emma Watson during her speech on gender equality at the United Nations Headquarters on September 20, 2014, to launch the HeForShe campaign stated, "Ask yourself: If not me, who? If not now, when?"

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