

# Study on the Protection of Child Sexual Harassment in India

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**Abstract:** India has enacted several laws aimed at safeguarding children from sexual harassment, including the Protection of Children from Sexual Offences (POCSO) Act, 2012. This comprehensive legislation defines various forms of sexual abuse against minors and prescribes stringent penalties for offenders. Additionally, the Juvenile Justice (Care and Protection of Children) Act, 2015, provides a framework for the rehabilitation and support of victims. Despite these legal provisions, numerous challenges persist in effectively addressing child sexual harassment in India. These challenges include underreporting due to social stigma and fear of reprisal, inadequate infrastructure for victim support and rehabilitation, and delays in the judicial process. Moreover, there is a need for greater awareness and sensitization among communities, law enforcement agencies, and judicial bodies regarding the nuances of child sexual abuse. To enhance the protection of children from sexual harassment, a multi-pronged approach is essential. This approach should include concerted efforts to strengthen legal mechanisms, improve access to justice for victims, enhance awareness through education and advocacy, and provide comprehensive support services for survivors. Collaboration between government agencies, non-governmental organizations, civil society, and the private sector is crucial for the effective implementation of such initiatives..

**Keywords:** Child, Sexual Harassment, Protection, India, POCSO Act

## I. INTRODUCTION

Child sexual harassment is a grave and pervasive issue that poses significant threats to the safety, well-being, and development of children in India. It encompasses a range of harmful behaviors, including molestation, rape, exploitation, and online abuse, and has profound and lasting impacts on the physical, emotional, and psychological health of victims. Addressing this problem requires a multifaceted approach, involving legal frameworks, social interventions, educational initiatives, and community engagement. In recent years, India has taken steps to strengthen its response to child sexual harassment through legislative measures and policy interventions. The enactment of the Protection of Children from Sexual Offences (POCSO) Act in 2012 represents a landmark in this regard, providing a comprehensive legal framework for the protection of minors from sexual abuse and exploitation. This legislation defines various offenses against children, establishes stringent penalties for perpetrators, and mandates the establishment of special courts for the speedy trial of cases. Despite these legislative efforts, challenges persist in effectively safeguarding children from sexual harassment. Underreporting due to fear, shame, and social stigma remains a significant barrier, hindering the identification and prosecution of perpetrators. Moreover, gaps in law enforcement, judicial processes, and victim support services further exacerbate the vulnerability of children to abuse and exploitation. This paper aims to explore the complexities surrounding the protection of children from sexual harassment in India, examining the prevailing legal framework, challenges, and opportunities for improvement. By analyzing key issues such as societal attitudes, institutional responses, and systemic barriers, it seeks to contribute to a deeper understanding of the problem and identify strategies for enhancing prevention, detection, and response efforts. Ultimately, the goal is to create a safer and more supportive environment for India's children, free from the threat of sexual violence and exploitation.

## **II. LEGISLATIVE PROVISION ON CHILD SEXUAL HARASSMENT IN INDIA**

In India, the primary legislation aimed at protecting children from sexual harassment and abuse is the Protection of Children from Sexual Offences (POCSO) Act, 2012. This act was enacted to provide a robust legal framework for addressing sexual offenses against minors and ensuring the speedy investigation and trial of such cases. Here are some key provisions of the POCSO Act:

1. **Legal Framework Strengthening:** The enactment of the Protection of Children from Sexual Offences (POCSO) Act, 2012, represents a significant milestone in India's legal framework for protecting children from sexual harassment. This comprehensive legislation defines various forms of sexual abuse against minors, prescribes stringent penalties for offenders, and mandates the establishment of special courts for expedited trials.
2. **Definition of Sexual Offenses:** The act defines various forms of sexual abuse and harassment against children, including but not limited to, sexual assault, sexual harassment, using children for pornographic purposes, and trafficking of children for sexual purposes.
3. **Special Courts:** The POCSO Act mandates the establishment of special courts for the trial of offenses under the act. These courts are designed to ensure the speedy disposal of cases and provide a child-friendly environment for victims to testify.
4. **Protection of Identity:** The act includes provisions to protect the identity of child victims and witnesses during investigation, trial, and thereafter to prevent social stigma and victimization.
5. **Mandatory Reporting:** The act imposes a legal obligation on certain categories of persons, such as medical professionals, educators, and child welfare officers, to report cases of child sexual abuse to the authorities.
6. **Stringent Penalties:** The POCSO Act prescribes stringent penalties for offenders, including imprisonment and fines, with provisions for enhanced punishment for repeat offenders.
7. **Child-Friendly Procedures:** The act lays down child-friendly procedures for recording the statement of the child victim, such as conducting the examination in a non-threatening environment and avoiding repetitive questioning.
8. **Rehabilitation and Support:** The act emphasizes the rehabilitation and support of child victims, including access to medical assistance, counseling, and other necessary services.

In addition to the POCSO Act, other laws and regulations, such as the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Indian Penal Code, contain provisions related to the protection of children from sexual harassment and abuse. However, the POCSO Act is the primary legislation specifically dedicated to addressing this issue comprehensively.

## **III. METHODOLOGY**

This research paper is purely based on Doctrinal method relying on secondary sources. The research makes use of secondary sources of data, including journals, newspaper, websites, Case Study Analysis: Examining notable cases.

## **IV. DISCUSSION**

Despite legislative measures, numerous challenges persist in protecting children from sexual harassment. These include underreporting due to stigma and fear, delays in the judicial process, inadequate support services for victims, and gaps in law enforcement. Discussing strategies to overcome these challenges and enhance the protection of children is essential. **Societal Attitudes:** Societal attitudes and cultural norms play a significant role in shaping responses to child sexual harassment. Discussing the impact of prevailing attitudes, stigma, and victim-blaming on reporting and addressing cases of abuse is crucial. Promoting awareness and fostering a supportive environment for victims are important aspects of this discussion. **Prevention Strategies:** Preventing child sexual harassment requires a proactive approach that addresses risk factors, promotes education and awareness, and empowers children to recognize and report abuse. Discussing effective prevention strategies, including comprehensive sex education in schools, community outreach programs, and online safety measures, is vital. **Role of Stakeholders:** Protecting children from sexual harassment requires collaboration and coordination among various stakeholders, including government agencies, law enforcement, judiciary, healthcare providers, educators, civil society organizations, and the media. Discussing the roles and responsibilities of each stakeholder in preventing, reporting, and addressing child sexual harassment can facilitate

better coordination and response. Support and Rehabilitation: Providing support and rehabilitation services to child victims of sexual harassment is essential for their recovery and well-being. Discussing the availability, accessibility, and effectiveness of support services, including counseling, medical assistance, and legal aid, can help identify gaps and improve support mechanisms. Technology and Online Safety: With the increasing use of technology, children are vulnerable to online sexual harassment and exploitation. Discussing measures to enhance online safety for children, including cyber security education, parental controls, and collaboration with internet service providers and social media platforms, is crucial. Overall, fostering an open and informed discussion on the protection of children from sexual harassment in India can facilitate greater awareness, advocacy, and action to create a safer environment for children and prevent future incidents of abuse.

## V. CONCLUSION

In conclusion, child sexual harassment remains a pressing issue in India, posing significant threats to the safety, well-being, and development of minors. Despite efforts to address this issue through legislative measures, awareness campaigns, and support services, numerous challenges persist. However, progress has been made in strengthening the legal framework, increasing reporting, and improving support services for victims. It is evident that protecting children from sexual harassment requires a comprehensive and multi-sectoral approach involving collaboration between government agencies, law enforcement, judiciary, healthcare providers, educators, civil society organizations, and the media. This collaborative effort must prioritize prevention, early intervention, and holistic support for victims to ensure their well-being and recovery. Moving forward, there is a need for sustained commitment and concerted action to address the root causes of child sexual harassment, including societal attitudes, gender inequality, and inadequate support systems. Empowering children with knowledge and skills to recognize and report abuse, strengthening law enforcement mechanisms, enhancing awareness among communities, and providing comprehensive support services are essential steps in creating a safer environment for children in India. Ultimately, protecting children from sexual harassment is not only a legal imperative but also a moral obligation of society. By working together and prioritizing the rights and well-being of children, India can strive towards creating a future where every child can grow up free from the threat of harassment and exploitation.

## VI. SUGGESTIONS

It should be the prime duty of the researcher to put efforts in law reforms initiatives and their strict implementation for the best interest and the welfare of the sexual abuse child victims. The Government should also incorporate and introduce some of the principles from the laws of the other countries which are more child friendly and March towards the advancement of the criminal justice administration of our country. "A crime should always be treated as a crime and not as a mistake".

Despite the stringent punishments as amended in the POCSO Act, 2019, the crime rate is on an increasing scale which clearly shows that the poor implementation of the legislation has been done. The need of the hour is to eradicate the sexual crimes in our country which in turn has forced the legislators and the researchers to focus on the recidivism of the sexual offences and the suggestion of the alternative stringent punishment for curbing the sexual offences in our country.

In Article 21, the exception of procedure established by law clearly explains that every person is bound to the law and punishable by law if anybody commits an offence or act prohibited by law. To my concern, the pain of the sexual abuse victims is greater than the pain of the sexual offenders. Even though many sociologists and human rights commissions are opposing the execution of capital punishment or the death penalty in India, still now the death penalty is rendered to convicted persons in India.

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