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## Exploring the intersection of cultural attitudes and legal protection for children from sexual offences in India

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**Abstract:** This article looks at the relationship between social and cultural perceptions of child sex abuse and child protection laws in India. The article first defines 'child sexual abuse' before going through its prevalence and characteristics in India. The book then explores social and cultural perspectives on child sex abuse, including the stigma and shame attached to it as well as how caste and gender affect perceptions. The research then examines how these viewpoints have an impact on how child sexual abuse is reported, investigated, prosecuted, punished, and compensated. The article concludes with suggestions for dealing with the impact of cultural and societal attitudes on the legal protection of children, including the function of the state, civil society organisations, the media, and the educational system. Overall, this research highlights the necessity for a comprehensive strategy to tackle societal and cultural attitudes in order to properly protect Indian children from sexual assault.

**Keywords:** sexual offences; cultural attitudes; societal attitudes; child sexual abuse; POCSO Act 2012; India.

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**Biographical notes:** Himani Lodhi is an Ambitious Law Student pursuing her degree at prestigious Law College Dehradun, Uttaranchal University. Her passion for social justice has driven her research interest in rural governance and criminal law. Fuelled by her zeal to address the legal challenges faced by rural communities, she has been actively involved in projects that aim to bridge the gap between policy and practice.

Ujjwal Singh is an Assistant Professor at Law College Dehradun, Uttaranchal University. He specialises in media law and rural governance. He has authored several research papers and articles on media law and has presented papers in various national and international seminars and conferences. He has also conducted training programs for media professionals and law students. His contributions to the field of media law have been widely recognised.

## 1 Introduction

The physical, mental, and emotional health of children may suffer long-term effects from the horrible crime of child sexual abuse. In India, the Protection of Children Against Sexual Offences (POCSO) Act 2012 was passed as a comprehensive legislative framework to guard against sexual abuse of children. Yet, despite the POCSO Act's regulations, child sexual abuse continues to be a major issue in India. Regrettably, many incidents go unreported because of the shame and embarrassment attached to the crime. To protect all children and make abusers responsible for their crimes, it is essential to address this problem and promote awareness.

The degree to which children are legally protected from sexual assault depends on culture and cultural values. When child sexual abuse is seen as a personal or family affair under India's traditional cultural and societal norms, it may be challenging for victims to come forward and ask for aid. In addition, factors like gender, caste, and others often have an impact on how society regards child sexual assault, which leads to uneven protection and justice for victims who are children.

Statistics indicate that child sexual abuse is a serious issue in India, which has one of the highest rates of this kind of abuse in the world. A 2007 Ministry of Women and Child Development research found that 14% of sexual abuse instances involving minors in India included penetrative assault, with 53% of children reporting some type of sexual abuse. Recent complaints of child sexual abuse in India have risen, which experts attribute to improved reporting procedures and higher public awareness. Due to cultural shame and a lack of confidence in the legal system, underreporting remains a significant issue in spite of these efforts.

52,836 instances of child sexual assault were recorded in India in 2021, up 14.55% from the year before, according to the NCRB. Statistics show that more than half of all child sexual abuse victims were under the age of 14, and the majority of the perpetrators were someone the victim knew, such as relatives or acquaintances. These findings highlight the need of continuing campaigns to increase public awareness of the issue and ensure that all cases of child sexual abuse are appropriately reported and handled in order to protect the wellbeing and safety of children in India.

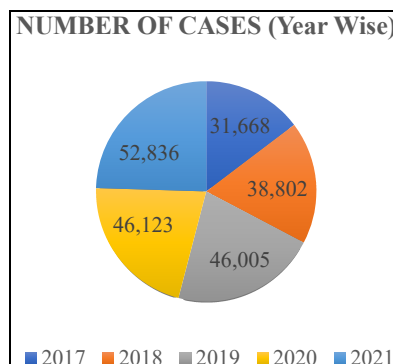
**Table 1** Sexual offences cases against children in india (year-wise)

| <i>Year</i> | <i>Number of cases</i> | <i>Percentage difference</i> |
|-------------|------------------------|------------------------------|
| 2017        | 31,668                 | -12.08%                      |
| 2018        | 38,802                 | 22.67%                       |
| 2019        | 46,005                 | 18.86%                       |
| 2020        | 46,123                 | 0.26%                        |
| 2021        | 52,836                 | 14.76%                       |

Statistics on the number of crimes committed against children in India from 2017 to 2021 are shown in Table 1 and Figure 1. The table and figure shows that there has been a noticeable rise in the number of instances throughout the years. Table 1 and Figure 1 indicate the number of reported instances of child sexual abuse in India from 2017 to 2021. The number of reported cases has risen gradually, from 31,668 in 2017 to 52,836 in 2021. In terms of percentage increases, the period from 2017 to 2018 had the biggest growth (22.96%), while the period from 2019 to 2020 saw the lowest gain (0.26%). This

research emphasises the rising worry about crimes against children in India, as well as the vital need for efficient measures to safeguard children and stop such crimes from happening, despite the little rise from 2019 to 2020. The figures serve as a reminder of the significance of treating the underlying causes of child abuse as well as strengthening the legal protection and providing aid to victims of child abuse.

**Figure 1** Number of cases of sexual offences against children (year wise) (see online version for colours)



## 2 Understanding child sexual abuse in India

‘Child sexual abuse’ is defined as “any sexual assault, harassment, exploitation, or abuse of a person under the age of 18” under the ‘POCSO Act 2012’. This includes rape, sexual abuse, sexual assault, and the exploitation of minors for gainful employment or other objectives. The POCSO Act of 2012 creates a thorough legal framework to safeguard kids from sex abuse, including protocols for reporting, looking into, and prosecuting child sex abuse cases. The law recognises child sexual abuse as a severe crime that needs extra attention and effort to prevent and rectify it with the aim of protecting all children and ensuring their well-being (Bajpai, 2010).

India has a major issue with child sexual abuse, and many occurrences go unreported as a result of the stigma and shame attached to the crime. In India, 53% of children have suffered sexual abuse of some kind, and only a tiny number of these incidents are reported to the authorities, according to a survey by the Ministry of Women and Child Development. Due to cultural hurdles to reporting abuse and a lack of law enforcement resources and competence to properly handle this issue, the real number of child sexual abuse events is likely to be far higher.

Child sexual abuse in India manifests in various forms and affects children of all ages, genders, and backgrounds. However, research has revealed that several factors, such as poverty, limited access to education and support services, and being a girl or female child, increase the risk of maltreatment. Children residing in rural areas and those from marginalised communities such as dalits or tribals are at greater risk of abuse. Moreover, children who have been abused previously or have experienced other forms of trauma may be more vulnerable to sexual assault (Mohanty and Banerjee, 2021).

The complexity of the issue of child sexual abuse, which may manifest itself in a variety of ways, including physical, emotional, and psychological abuse, must be

understood. Child victims may struggle with healing and rehabilitation and may have a range of physical and mental symptoms, including as trauma, anxiety, sadness, and self-harm. Understanding the various types of abuse as well as the unique difficulties and experiences of child victims in India is first important in order to successfully address the issue of child sexual abuse.

### **3 Cultural and societal attitudes towards child sexual abuse**

The way that this crime is seen and understood in India is significantly influenced by culture and cultural beliefs on child sexual abuse. In many communities, the topic of child sexual abuse is taboo and cloaked in shame. Due to this stigma, it may be challenging for child abuse victims to come out and report the abuse because they worry about being held accountable, laughed at, or shunned by their community. In addition, community perceptions about child sexual abuse may affect how the crime is investigated and prosecuted. For example, cultural perceptions that abuse is a private affair can cause law enforcement officers to under investigate the crime or fail to take it seriously.

The cultural values and practises, as well as more general social and political movements, all have an impact on how society regards child sexual abuse. Cultural attitudes like the notion that child sexual abuse is a ‘private affair’ or that handling crime falls on the family might make it difficult for abuse to be reported and dealt with. A culture of shame and secrecy around child sexual abuse may also be a result of wider cultural attitudes against women and girls, such as persistent patriarchy and gender-based violence.

The stigma and shame surrounding child sexual abuse are major barriers to reporting and addressing the crime in India. Children who have experienced sexual abuse may feel embarrassed, ashamed, or guilty about the abuse, and may fear being blamed, judged, or ostracised by their community. This stigma can be particularly pronounced for girls and female children, who may face societal beliefs that abuse is their own fault or that they are responsible for the abuse they experience (Moirangthem et al., 2015).

In addition to the direct impact on child victims, the stigma and shame surrounding child sexual abuse can also impact the way that the abuse is investigated and prosecuted. For example, law enforcement officials or prosecutors may not take the crime seriously or may not fully investigate cases, due to cultural beliefs that child sexual abuse is a ‘private matter’ or that the victim is at fault.

It is critical to promote awareness and understanding of the crime and its effects on child victims in order to successfully remove the stigma and shame surrounding child sexual abuse in India. This involves questioning cultural and social attitudes that contribute to the stigma and shame associated with child sexual abuse, as well as encouraging an open and supportive atmosphere for child victims. Furthermore, it is critical to protect and empower child victims, especially by giving access to information and support services, as well as ensuring that they have a voice and are heard in the legal and criminal justice systems.

#### **4 Cultural and societal attitudes towards child sexual abuse**

Cultural and cultural ideas concerning child sexual abuse influence how abuse is reported and disclosed in India. Cultural attitudes, for example, that child sexual abuse is a 'private problem' or that it is the family's obligation to resolve the crime may prevent reporting and prosecution of the abuse. Furthermore, cultural views about child sexual abuse may deter victims from coming out, either because they are afraid of being blamed or criticised, or because they feel they will not be believed.

The impact of cultural and societal beliefs on reporting and disclosure of child sexual abuse can be particularly pronounced for female children, who may face societal beliefs that abuse is their own fault or that they are responsible for the abuse they experience. These cultural beliefs can contribute to a culture of silence and shame surrounding child sexual abuse, making it difficult for female child victims to come forward and report abuse (Aeron, 2018).

To address the influence of cultural and social views on child sexual abuse reporting and disclosure, it is critical to promote knowledge and understanding of the crime and its impact on child victims. This involves questioning cultural and social attitudes that contribute to the stigma and shame associated with child sexual abuse, as well as encouraging an open and supportive atmosphere for child victims. Furthermore, it is critical to protect and empower child victims, especially by giving access to information and support services, as well as ensuring that they have a voice and are heard in the legal and criminal justice systems.

Gender and caste play a significant role in shaping cultural and societal attitudes towards child sexual abuse in India. For example, patriarchal cultural beliefs may contribute to a culture of shame and silence surrounding child sexual abuse, particularly for female children, who may face societal beliefs that abuse is their own fault or that they are responsible for the abuse they experience.

Additionally, caste-based discrimination and prejudice may also impact cultural and societal attitudes towards child sexual abuse. For example, children from lower castes may face stigma and discrimination, making it difficult for them to report abuse or seek support and assistance (Smith, 2008).

It is critical to promote awareness and comprehension of these characteristics and their influence on child victims in order to address the role of gender and caste in cultural and social attitudes about child sexual assault. This involves opposing patriarchal and caste-based cultural norms, as well as encouraging equality and support for all child victims, regardless of gender or caste. Furthermore, it is critical to educate and train law enforcement officials and other stakeholders, including members of the judicial system, about the role of gender and caste in shaping cultural and societal attitudes towards child sexual abuse, and to ensure that all child victims receive the support and protection they require.

#### **5 The impact of cultural and societal attitudes on legal protection for children**

In order to safeguard children from sexual abuse, India has enacted the POCSO Act 2012 and the Indian Criminal Code (IPC). The POCSO Act, which was created to combat child sexual abuse, has a number of legal protections for child victims, including provisions for

lifelong protection, a classification of distinct forms of child sexual abuse, and harsh punishments for abuse the legal process.

The POCSO Act defines child sexual abuse as any kind of sexual exploitation of a child, including child pornography, sexual assault, and sexual harassment. The legislation imposes severe punishments, including as life in jail and heavy fines, on anyone found guilty of sexually abusing children. The POCSO Act also creates special procedures to protect children's safety during court hearings, including securing their identity and avoiding secondary victimisation (Halder, 2018).

### *5.1 The impact of cultural and societal attitudes on the reporting and investigation of child sexual abuse*

In India, while legal safeguards are in place to protect child victims of sexual abuse, cultural and societal attitudes can exert a significant influence on the reporting and investigation of these incidents. The stigma and shame that is associated with child sexual abuse, for instance, can deter young victims from coming forward to report abuse, rendering it arduous for law enforcement authorities to detect and investigate these cases. In addition, societal beliefs that child sexual abuse is a 'private matter' or that it is the responsibility of the family to resolve the crime, can hinder reporting and prosecution of the abuse.

Moreover, cultural and societal attitudes towards child sexual abuse can also impact the investigation of abuse cases. For example, patriarchal cultural beliefs may lead to a tendency to blame the child victim, rather than the abuser, and to downplay the significance of the abuse. Additionally, caste-based discrimination and prejudice may impact the investigation of abuse cases, leading to unequal treatment for child victims based on their caste or socio-economic status.

### *5.2 The impact of cultural and societal attitudes on the prosecution and punishment of child sexual abuse offences*

Cultural and cultural views about child sexual abuse may also influence child sexual abuse prosecution and sentencing in India. For example, social attitudes that child sexual abuse is a 'private affair' may lead to authorities being reluctant to seek prosecution and downplaying the importance of the abuse. Additionally, cultural beliefs that the family should handle cases of abuse may discourage reporting and prosecution of abuse, and lead to a lack of accountability for perpetrators.

Furthermore, patriarchal cultural views may influence the prosecution and punishment of child sexual abuse charges by leading to a predisposition to blame the child victim rather than the offender and to minimise the severity of the abuse. This can result in reduced sentences for perpetrators and a lack of accountability for their crimes. Additionally, caste-based discrimination and prejudice may also impact the prosecution and punishment of child sexual abuse offences, leading to unequal treatment for child victims based on their caste or socio-economic status (Bhatnagar, 2012).

### 5.3 *The impact of cultural and societal attitudes on the rehabilitation and compensation for child victims of sexual abuse*

The cultural and societal attitudes towards child sexual abuse can also impact the rehabilitation and compensation of child victims in India. For example, the stigma and shame surrounding child sexual abuse may discourage child victims from seeking help and support, and limit their access to rehabilitation and compensation services. Furthermore, social attitudes that child sexual abuse is a ‘private problem’ or that it is the family’s obligation to confront the crime may deter child victims from seeking aid and support.

Moreover, patriarchal cultural beliefs can also impact the rehabilitation and compensation of child victims, by perpetuating the notion that the abuse is the fault of the child, rather than the perpetrator. This can lead to a lack of support and resources for child victims and limit their access to rehabilitation and compensation services. Additionally, caste-based discrimination and prejudice may also impact the rehabilitation and compensation of child victims, leading to unequal treatment based on their caste or socio-economic status.

To address the influence of cultural and social views on the rehabilitation and recompense of child sexual abuse victims, it is critical to enhance awareness and understanding of child victims’ needs, as well as to develop a culture of openness and support for child victims. Additionally, it is important to ensure that child victims have access to appropriate and comprehensive rehabilitation and compensation services, including mental health support, financial support, and legal assistance. By addressing the impact of cultural and societal attitudes, we can work towards creating a more supportive and equitable environment for child victims of sexual abuse in India (Mohanty and Banerjee, 2021).

## 6 **Recommendations for addressing the impact of cultural and societal attitudes on legal protection for children**

The government has a crucial role to play in addressing cultural and societal attitudes towards child sexual abuse in India. Some steps that the government can take to address these attitudes include:

- *Raising awareness and understanding of child sexual abuse:* The government can work to raise awareness and understanding of child sexual abuse through public education campaigns and community outreach programs. These programs should aim to educate the public on the definition of child sexual abuse, its impact on child victims, and the importance of reporting abuse to authorities.
- *Strengthening laws and policies related to child sexual abuse:* The government can work to strengthen existing laws and policies related to child sexual abuse to better protect child victims and hold perpetrators accountable. This could include increasing penalties for child sexual abuse offences, improving the reporting and investigation process, and providing support and services for child victims.
- *Promoting a culture of openness and support for child victims:* The government can work to promote a culture of openness and support for child victims by engaging



with community leaders, religious leaders, and other influential individuals and organisations. This can help to break down the stigma and shame surrounding child sexual abuse and encourage more child victims to come forward and seek help and support (Carson et al., 2018).

Civil society organisations also play a crucial role in addressing cultural and societal attitudes towards child sexual abuse in India. Some steps that these organisations can take include:

- *Raising awareness and understanding of child sexual abuse:* Civil society organisations can work to raise awareness and understanding of child sexual abuse through public education campaigns and community outreach programs. These programs should aim to educate the public on the definition of child sexual abuse, its impact on child victims, and the importance of reporting abuse to authorities.
- *Providing support and services for child victims:* Civil society organisations can provide support and services for child victims of sexual abuse, including mental health support, legal assistance, and financial support. These organisations can also work to ensure that child victims have access to appropriate and comprehensive rehabilitation and compensation services.
- *Advocating for stronger legal protections for child victims:* Civil society organisations can advocate for stronger legal protections for child victims of sexual abuse, including stronger penalties for perpetrators and improved reporting and investigation processes.

By working together, the government and civil society organisations can help to address cultural and societal attitudes towards child sexual abuse in India and improve legal protection for child victims. This will require a sustained and coordinated effort, but by taking action, we can work towards creating a safer and more equitable environment for children in India (Dhar, 2016).

By increasing knowledge and fostering a culture of zero tolerance for such crimes, the media may significantly influence public opinion and attitudes regarding child sexual abuse. Sensible and accurate media coverage of child sexual abuse may encourage reporting, lessen the stigma and guilt attached to doing so, and assist hold criminals responsible. Yet, the media has come under fire for making incidents of child sexual abuse sensational and jeopardising the safety and respect of the victims. The media must report such instances professionally and ethically while collaborating with child welfare groups to give true and sensitive coverage in order to properly alter cultural and social attitudes regarding child sexual abuse.

The education system is also crucial in shaping cultural and societal attitudes towards child sexual abuse. By educating young people about healthy relationships, respect for personal boundaries, and consent, the education system can help to break the cycle of abuse and provide children with greater protection. Comprehensive sex education that includes information on legal safeguards and reporting of child sexual abuse can empower children to recognise and report such incidents. By promoting gender equality and challenging harmful gender stereotypes, the education system can create a more inclusive and safe environment for children. In doing so, the education system can help generate a generation of young people who can confront the problem of child sexual abuse and create a safer environment for children (Belur and Singh, 2015).

To effectively address cultural and societal attitudes towards child sexual abuse, the education system must prioritise the inclusion of comprehensive sex education in its curricula. This education should be age-appropriate and culturally sensitive, and should be taught by trained and qualified teachers. By working with child welfare organisations and the media, the education system can help to create a more informed and supportive society for child victims of sexual abuse.

## 7 Conclusions

The level of legal protection offered to children who have been sexually molested in India was investigated in this study along with the link between cultural and societal perspectives. The research discovered that cultural and societal views affect how child sexual abuse cases are reported, looked into, prosecuted, and rehabilitated in India. Inadequate legal protection for young victims may result from cultural and societal attitudes that affect how these crimes are regarded and handled, which can sometimes deter victims and their families from coming forward and reporting child sexual abuse.

The findings of the study have significant ramifications for how minors in India are legally protected from sexual assault. To guarantee that those who are victims of such crimes have proper legal protection, they underline the need to alter societal and cultural views about child sexual abuse. In order to dispel these myths and make sure that child victims get the justice they are due, the government, civil society groups, the media, and the educational system are all vitally important.

The government must pass and enforce laws that safeguard minors from sexual assault and hold accountable those who commit such crimes. Organisations from the civil society may be very helpful in both preventing child sexual abuse and helping victims and their families. The media may aid in ending the taboo around child sexual abuse by making a strong case and increasing public awareness of the issue. When it comes to educating kids, parents, and teachers about child sexual abuse and fostering positive attitudes and behaviours towards the problem, the educational system has the potential to be a key player.

Ultimately, in order to provide children in India legal protection, it is essential to change cultural and community views about child sexual assault. It is time for the government, non-profits, the media, and the educational system to collaborate in order to increase the equality and safety of our society for all children.

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