

Challenges Faced by Victims of Child Sexual Abuse: A Grim Reality in Assam

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ABSTRACT

Crime against children is a worldwide problem and there are many types of crimes against children, whereas child sexual abuse is the one that is increasing at the fastest rate in India. Lack of reporting causes the severity of this serious criminal activity. In India, child sexual abuse has essentially become a national epidemic. One of the places in India with the highest rates of sexual abuse crimes against children is Assam. It has been found that the child victim and family members had a difficult time recovering from the emotional stress. They encounter numerous challenges in overcoming such an issue, which has a long-term impact on their lives. When a child is abused by any sexual act, whether it is by a close friend or family member or by an unknown person, this is considered child sexual abuse. The strangest thing is that a child can't tell anyone about it because he will be silent forever. There are several instances in which children are reluctant to disclose their misbehavior to anyone. Because of this, a significant number of instances of abuse are not reported by the victim. In India, there is an Act called the Protection of Children from Sexual Offences Act of 2012 that keeps children safe from this kind of bad behavior. Even though the main goal of this Act is to protect children from different sexually offensive crimes, but still the rate of crime rate is still increasing instead of decreasing. However, this Act was recently amended in 2019, with numerous penalties strengthened to instill terror among the public.

Key Words: Child, Sexual Abuse, Perpetrators, Challenges, Assam.

How to cite this article: Buzarbaruah BM, Saikia P. Challenges Faced by Victims of Child Sexual Abuse: A Grim Reality in Assam. *Int J Drug Deliv Technol.* 2026;16(18s): 597-609. DOI: 10.25258/ijddt.16.18s.65

Introduction

The greatest gift humanity has ever received is children. The entire society suffers when children are neglected. Economic, social, physical, and cognitive deprivation in childhood has far-reaching consequences for a nation's social stability, peace and order, and many other issues.¹

In general, in Indian society, it is awkward for parents to bring up the subjects of sexual abuse with their children. Children who are born and raised in unstable environments, especially orphans, lonely, neglected, and weaker youngsters, are vulnerable to abuse and become easy targets of various crimes. The leading causes of their susceptibility are their innocence, inexperience, exposure, and inadequate care and direction. In India, half of the children have experienced abusive Acts in one way or another in their lives.²

Since there is evidence that childhood abuse can have long-lasting adverse emotional and economic effects on survivors, this issue requires immediate attention. The global movement "Me Too," which originated in the United States in 2018, aims to provide support to survivors of sexual assault by sharing their experiences and empowering them to connect with other Me Too supporters.³

A child is considered to be sexually abused if any adult intentionally engages in sexual activity with the child, neglects their normal societal obligations, or permits them to engage in sexual activity that is meant to satisfy the abusive person's sexual desires. This offence is committed by a close one of the children or by any stranger.⁴

The state of Assam is one of the states in North East India that is expanding at the fastest rate. In parallel with the rapid expansion, the rate of criminal activity is also rapidly expanding, with an increase in the rate of criminal activity related to the abuse of

¹Ghanshyam Panchariya, "Child sexual abuse and law" (2015) <<https://www.lawctopus.com/academike>> accessed 7th Sep 2025.

²Chandrashekar S.V., "Offences against Children: Criminal Justice and Social Issues in India" (2014) 3 *International Research Journal of Social Sciences* 12, <<http://www.isca.in/IJSS.ISCA-IRJSSpdf>> accessed on 20th Nov 2025.

³Nirmala Devi, "Sexual Offence Against Children in India: On the Higher Side" (2016) 7 *Ijrsr* 13348 <<https://recentscientific.com/sites/default>> accessed on 7th Nov 2024.

⁴*Ibid.*

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children. Despite the rising crime rate, very few incidents are recorded because of ignorance and, most importantly, the fear of the criminal. The offenders, however, come from various backgrounds and are of different ages.⁵

The objectives of the Research Work

To find out the problems faced by the Child victims of sexual abuse.

To find out the reasons for non-reporting of crimes against child sexual abuse.

To figure out the various categories of perpetrators who commit such crimes.

To find appropriate suggestions for the solution of such a problem,

Hypothesis

Child sexual abuse is a major issue in the State of Assam, where the child victims and their families confront a long-term terrible dilemma despite receiving extensive care and counselling.

Significance of the Study

The Researcher has chosen the topic Challenges faced by victims of child sexual abuse: A Grim reality in Assam, to analyze the hurdles or obstacles faced by child victims to overcome such problems and also to study different types the perpetrators who are involved in such activity. As there is an increased rate of crime in comparison to reported crime, it is the main reason for the high growth rate of crime in India. However, in Assam, the Researcher learned from various sources that child victims have to endure the worst conditions of their lives to overcome the situation, and many of them commit suicide or suffer from mental illness because they can't rebuild their lives.

Research Methodology

The Researcher has used doctrinal methodology in this research article. The Doctrinal method involves gathering data from eminent author's books, law journals, scholarly articles, and the internet. The research work has significantly benefited from media and social media reports of child violence.

An overview conceptual perspective on Child Sexual Abuse

Child sexual abuse (CSA) is the act of a person exploiting a child through using force or

coercion and abusing power and authority. This can occur when a child who has not yet reached adulthood and cannot comprehend the concept of consent is approached by an adult or child who is older and more powerful than the victim and wishes to engage in sexual activity with this child.⁶

According to the Bharatiya Nyaya sanhita (2023), a person under eighteen is now officially considered a child, which clarifies a previous ambiguity.⁷ However, the victim age requirement for several crimes against children is not 18. Under the Convention on the Rights of the Child (1989), any individual who has not yet completed eighteen years old, or if they have attained legal maturity sooner, is considered to be a child.⁸

The word "abuse" refers to a broad range of behaviour rather than just one kind of act. It has been challenging to distinguish between actions that are considered appropriate and those that might be regarded as child abuse. A vast array of behaviours and mistreatment of children are included in the phrase child abuse. These include emotional abuse, abandonment, Child Labour, Physical abuse, and sexual abuse, including exploitation and incest. Different types of Child Abuse are discussed below:

Physical Abuse: Inflicting physical harm on a child is known as physical abuse, and it occurs frequently in our culture, particularly in families and institutions such as schools, shelter homes, orphanages, etc. Inflicting severe bodily harm on a kid through beatings, kicking, slaps, punches, and scorching, poking, and other means is referred to as physical abuse.

Emotional Abuse: Emotional abuse may be categorized under different names, such as psychological maltreatment, verbal abuse, and mental abuse, where the Perpetrator manipulates the victims' emotions to commit such a crime. It includes the behaviours or inactions of parents or caregivers that have caused or may cause serious trauma to the mind, emotions, behaviour, or cognition.⁹

⁶Jennifer M Foster M. and David K. Carson, "Child Sexual Abuse in the United States: Perspectives on Assessment and Intervention", (2003) 1 American Journal of Humanities and Social Sciences 98 <<https://www.google.com/search?q=Foster+Jennifer+M.and+Carson>> accessed on 6th Dec 2024.

⁷Bharatiya Nyaya sanhita 2023, s.2(3).

⁸The Protection of Children from Sexual Offence (POCSO) Act 2012, s.2(d).

⁹The Protection of Children from Sexual Offence (POCSO) Act 2012, s.39

⁵Over 6,000 Sexual Abuse Cases Under POCSO Registered in Assam from 2021-23: Minister, *The Arunachal Times*, (2024), <<https://arunachaltimes.in/index.php/2024/02/13/over-6000-sexual-abuse-cases-under-pocso-regis>> accessed 5th December 2024.

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Sexual Abuse: Both newborn and teenage sexual abuse is covered by CSA. The unwanted touching or fondling of a child's private areas can range from incestuous abuse to rape or even just plain sexual abuse, depending on the severity of the Act. Child pornography, indecent overtures, and the exposure of genitalia to minors are further instances. Engagement of children in illegal sexual activity is CSA.¹⁰

Therefore, inappropriate sexual activity with a child is the shorthand for sexual abuse. It involves sexual exploitation, rape, sodomy, incest, intercourse and many other types of abusive activity. However, CSA has been divided into the following categories for easier comprehension: sexual grooming, sexual exploitation, and sexual assault. Under the POCSO Act, which defines sexual assault, it is considered a crime when an adult makes sexually explicit physical contact with a child, whether it's touching their vagina, penis, anus, or breasts or making them feel those parts of another person's body.¹¹

Therefore, sexual assault occurs when a child is intentionally touched sexually, whether or not they consented. The phrase "sexual exploitation" refers to the practice of someone in a position of authority or control attempting to or taking advantage of a child's sexuality to get something. The benefit can be monetary, social, or even political.¹²

Sexual grooming is a crime and is a sign of more serious sexual offences. As science and technology advanced, a novel idea known as "sexual grooming" emerged and gained popularity. Online platforms, including chat rooms, messengers, Whatsapp, Instagram, and others, are the primary means of sexual grooming.¹³

The increasing rate of Child Sexual abuse in the State of Assam

People often refer to Assam as the Gateway to the Northeast. Concerns about violence against children and general child survival remain paramount in Assam, where child labour, child marriage, and child trafficking are still common and where the Protection of children remains a significant concern.

Crimes against children have been on the rise, and children who are at risk of abuse need to receive quick assistance. If each incidence is reported on its own or with the aid of a support person, the situation will be substantially improved for all girls and boys.

For more than 15 years, UNICEF has been working in Assam to improve government funding and systems to reduce child deprivation and assist in the creation and execution of policies for all vulnerable and marginalized children and adolescents. To deliver high-quality services supporting children's health and prosperous development in Assam, UNICEF has formed beneficial relationships with state and non-state stakeholders.¹⁴

UNICEF uses a variety of tactics that aim to provide long-lasting solutions to accomplish these objectives. UNICEF in Assam has worked methodically to raise women's and children's problems to the top of the government agenda, collaborating with stakeholders at all levels of government. For the past 15 years, UNICEF has maintained a field presence in Assam, which has given it a distinct and favourable position inside the State.¹⁵

According to the POCSO Act, Assam recorded over 6,000 occurrences of Sexual Abuse of Children between 2021 and 2023. In 2021, 2,425 cases were recorded, followed by 1,703 in 2022 and 1,926 in 2023.¹⁶

Since March 2020, child sexual abuse reported cases have increased by a large number through portals involving child sexual abuse. Additionally, it was discovered that 30,649 dowry-related crimes and 5,597 rape cases were reported between 2020-21 and January 31st, 2024. There have been reports of 28 superstitious deaths, including 12,967 suicides throughout that time. Assam has the 13th highest number of cases nationwide, with about 2,000 young girls falling victim, according to the record of the POCSO Act 2012. Meanwhile, fewer than 500 cases have been documented in the other northeastern states.¹⁷

According to Miguel Das, the founder of the Assamese child rights group UTSAH, sexual violence against girls is more common than against males. The

¹⁰ Pinki Virani, *Bitter Chocolate: Child Sexual Abuse in India* (1st edn, Penguin book New Delhi 2015) 11.

¹¹ The Protection of Children from Sexual Offences Act 2012, s.7.

¹² G.S Bajpai, *Making it work: Juvenile Justice in India*, (2006) <https://epgp.inflibnet.ac.in/epgplloads/epgp_content/S001608/P001809/M0> accessed on 5th July 2025.

¹³ *Ibid.*

¹⁴ The challenge Over the last decade, there have been significant improvements that signal hope for Assam's children, <<https://www.unicef.org/india/child-ren-assam>> accessed on 2nd Dec 2024.

¹⁵ *Ibid.*

¹⁶ *The Arunachal Times*, (n 5).

¹⁷ *Ibid.*

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gender difference between boys and girls is an important contributing element, as it frequently puts girls in danger. Universal Team for Social Action and Help (UTSAH) is the only organization in the northeast that provides supportive services to the survivors of child sexual abuse.¹⁸

On November 14, 2024, on the occasion of Children's Day, the Assam Director General of Police (DGP) spoke with victims of child sexual abuse, including their experiences interacting with the police system, the difficulties they faced during the trial, and other aspects like education and also relating to the their health issue of the children along with the process of navigating the justice delivery system, at the state police headquarters.¹⁹

In the meantime, the Assam Police Sishu Mitra Initiative, in collaboration with UNICEF & UTSAH, involves routine engagements with the Protection of child rights issues. According to Harmeet Singh, Special Director General of Police and Convener of the Assam Police Sishu Mitra Program, regular child feedback enables us to implement systemic changes representative of children needs and voices. Before this, Chief Minister Himanta Biswa Sarma stated that the state police force had been working with their full effort and so the number of pending cases had decreased by at least four times during the previous three years. Assam Chief Minister Dr Himanta Biswa Sarma claims that pending cases fell sharply from 95,994 in 2021 to 18,286 in 2024.²⁰

In 2021, of the total registered crimes against minors in India (149,404 instances), almost 4% originated from Assam (5,282 cases). The amount of 5,282 encompasses all offences against children, not solely sexual abuse. The total number of POCSO cases in Assam rose by 8% from 2019 to 2021, increasing from 1,779 in 2019 to 1,926 in 2021. In 2021, the proportion of child rape cases relative to overall POCSO cases in Assam was 68%, slightly

exceeding the national average of 62%. In 2022, a total of 1,703 instances were registered, however in 2023, the number of registered cases increased to 2,425. The NCRB data for 2024 and 2025 has not yet been published.

Challenges faced by Child Victims and their Family members

Regardless of the victims gender, such an offensive act has a long-term impact on the child victims. When a child is abused throughout childhood, it can have serious consequences for the child, which can be seen in the victim's altered behaviour throughout their childhood and as an adult. The impact is so severe that it prevents the youngster from developing generally in social situations and can lead to several psychological issues. Long-term consequences of child sexual abuse include melancholy, guilt, anxiety, difficulties, including disorders of eating, repression, anxiety, problems with sexuality, and many others.²¹

A child victim experiences both internal and external physical harm, which affects the victim both immediately and over time. Sexually transmitted infections are quite prevalent in today's population. Because sexual abusers frequently make minimal attempts to take precautions during sexual activity, children who experience such Acts are at very high risk of contracting an STD or other disease, such as HIV.²²

After contracting such an infection, the victim usually has a lifelong problem that is difficult to recover from. Reproductive organ damage can result from forceful sexual abuse of any individual. However, it is particularly severe when the victim is a child because their reproductive organs are still developing and not yet mature enough to withstand sexual activity.²³

In the case of a female victim who has reached puberty and is still going through her monthly cycle, pregnancy is a prevalent outcome of sexual abuse. Pregnancy throughout childhood always has a significant and lasting effect on the girl child.²⁴

The most serious outcome of child sexual abuse is death. This primarily occurs as a result of the

¹⁸Editorial, 'Assam Records 13th Highest Child Abuse Cases 2021' *The Times of India* (11th Oct. 2021) <<https://timesofindia.indiatim.com/city/guwahati/articleshow/94774397.cms>> accessed on 5th December 2024.

¹⁹Editorial, 'Assam DGP Meets Child Sexual Abuse Victims on Children's Day', *The Week*, (14th Nov, 2024) <<https://www.theweek.in/wire-updates/ces10-as-police-children.htm>> accessed Dec. 5, 2024.

²⁰Editorial, Assam Police saw 4 fold drop in case backlog in last 3 years: CM Sarma, <<https://www.daijiworld.com/news/newsDisplay?newsID=1210706>> accessed 5th Dec 2025.

²¹ Editorial, NICWA works to eliminate child abuse by strengthening our families, tribes, and the laws that protect them, <<https://www.nicwa.org/child-abuse-and-neglect/>> accessed 2nd Sep 2025.

²²*Ibid*

²³Nuzhat Parveen Khan, *Child Rights and the Law* (2nd edn. Universal Law Publication Delhi 2016) 43.

²⁴*Ibid*.

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child being brutally and severely abused by the Perpetrator, resulting in numerous injuries. A child who experiences forceful sexual contact may develop gynaecological and perinatal complications throughout her life, particularly during pregnancy and the delivery period.²⁵

Depression is a prevalent mental illness that several things, including traumatic experiences in life, can bring on.²⁶ People who experience emotional pain, such as physical, emotional, or sexual abuse, are more likely to have psychological discomfort, which is often accompanied by anxiety and depression.²⁷

In the field of medicine, post-traumatic stress disorder, or PTSD, is a condition that nearly everyone who has experienced a horrific event must deal with. As a result of the traumatic event, child sexual abuse victims always have PTSD. This Act is in the form of flashbacks, dreams, and other symptoms if they don't get the proper care, such as counselling.²⁸

Regardless of age, anxiety disorder is a prevalent emotional disorder that can impact everyone. While anxiety is normal, it may be considered an anxiety disorder if it persists for more than six months. It includes symptoms such as phobias and panic disorders. A child who experiences abuse may develop this issue.

Frequent outbursts, rage, hostility, and many other negative emotions are indicators of violent behaviour. In a way, it can be described as a behaviour that is abnormal and has the potential to harm both the individual and others. Such behaviour may result from the youngster experiencing severe and various forms of abuse when he was defenseless and unable to defend himself.²⁹

A child's intelligence or other intellectual performance may be directly impacted by childhood

sexual abuse, which could also lead to poor performance on school tests and a lack of focus, inventiveness, and attentiveness.³⁰

It frequently occurs that family members who live with the child sexually assault them in their own house. In these situations, the youngsters become scared and uneasy in their own homes, and since they have no other choice but to leave, they go to a foreign location to avoid the same family who has previously mistreated them.³¹

Reasons for Non-Disclosure of abusive activity in fear of the Perpetrator

Men are more prone to mistreat children than women. When a woman abuses a child, it is noticed that such incidents are underreported and are not deemed abuse. It has been seen that abusers appear to others to be quite normal. Unfortunately, a combination of cause and contributory variables such as stress, poverty, living conditions, marital instability, and psychiatric disorders of the adults at home, as well as a lack of child protection and so on, make the family the most prevalent area where children suffer various forms of violence.³²

When a child makes a repeated error, the guardian or family members who are genuinely the child's well-wishers may occasionally cause them to experience acceptable suffering to teach them a lesson or correct them. However, if the pain is extreme and causes internal or long-term harm, it may qualify as physical assault.³³

It is very common for friends, family members, and coworkers to have difficulty accepting the fact that a person they know has molested a child. In such a circumstance, a great number of children are under the impression that their family members would not believe them and that they will be punished. As a result, they consider it to be their responsibility and continue to keep quiet about it.³⁴

²⁵Ministry of Health and Family Welfare, Guidelines and Protocols medico legal care for survivors victims of sexual violence, < <https://mohfw.gov.in/?q=reports/guidelines-and-protocols-medico-legal-care-sur>> accessed on 5th Nov 2024.

²⁶ Khan (n 23),45.

²⁷Tina Arvidsdotter, Bertil Marklund, 'Understanding persons with psychological distress in primary health care'30 Scandanavian Journal Of Caring Science 687 (2016).

²⁸*Ibid.*

²⁹Anne C. Petersen, Understanding Child Abuse and Neglect:National Research Council(1993) < https://www.researchgate.net/publication/Understanding_child_abuse_and_neglect_National_Research_Council_National_Academy1993>accessed on 7th Oct 2025.

³⁰*Ibid.*

³¹ P. Madhava.,Soma Sundaram,*Crime Victims, and Justice*(1st edn. Serials publications Delhi 2008) 266.

³²Marta Ferragut; Margarita Tallo Ortiz, 'Victims and Perpetrators of Child Sexual Abuse: Abusive Contact and Penetration Experiences', Int. J Environ Res Public Health 11,(2021) < <https://pubmed.ncbi.nlm.nih.gov/37111111/>> accessed 3rd Jan 2025.

³³*Ibid.*

³⁴Deb Sibnath, 'Impact of physical, psychological, and sexual violence on social adjustment of school children in India',3 School Psychology International 394 (2012).

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The children are accustomed to learning and play environments in educational facilities. Unfortunately, schools can occasionally become a place where children are abused physically and sexually. The teacher abuses them, another school administrative staff, and even their senior, junior or the same classmates.³⁵

Uncles, aunts, and grandparents are examples of family members who have the potential to abuse the children entrusted to their care. It is hard to think that the grandfather typically mistreats their granddaughter for many of the same reasons as other abusers.³⁶

The offenders in most cases of sexual abuse are fathers, while the victims are mainly daughters. Additionally, there are instances of incest between mothers and daughters, fathers and sons, and mothers. However, because of the evolving nature of Indian households—which now include more mixed families and second marriages—father-daughter incest is by far the most prevalent.³⁷

Child labour is a kind of physical abuse in and of itself. Although it is illegal in our nation, child labour has been practiced for a very long time. Children over 14 are even allowed to work under certain restrictions and with some caution under specific laws. Children who work in organized or unorganized sectors, or even in family households, are frequently subjected to physical abuse by their employers. This can take the form of forcing them to work in dangerous or unsafe conditions, causing them to put in extra hours, or even engaging in direct physical and sexual assault. Typical forms of emotional abuse include denying them the opportunity to enjoy their rights, discriminating against them based on their sex and colour, comparing them to other children, forcing them to live in boarding school dorms, and more.³⁸

Child trafficking is an organized crime with several goals. Transporting, intoxication, and

abduction are standard trafficking methods. Regardless of the reason or method of trafficking, one thing is always the same: the victim experiences severe physical and sexual harm and suffering due to inadequate nutrition, and they frequently endure threats or physical abuse throughout or even after the trafficking process.³⁹

Any conduct pushed on a child by any child is also considered child sexual abuse. It has been found that half of sexual abuse cases that include physical contact are committed by peers. Children who abuse other children or engage in dangerous sexual practices have undergone abuse and neglect when they were children or adolescents. Injury, sickness, fear, anxiety, sadness, rage, hostility, improper sexual conduct, poor self-esteem, substance misuse, and problems maintaining close relationships are all harmful repercussions of sexual abuse children. When it comes to sexual abuse, it appears that no one is secure at any age.⁴⁰

Due to denial or ignorance of the warning signs and symptoms of abuse, parents or other caregivers may be reluctant to recognize evidence of abuse in their children. To preserve the relationship and avoid upsetting the accused, parents or other caregivers may also "minimize the trauma or deny the emotional impact" or keep in touch with the person.⁴¹

The likelihood that a kid may disclose a second or third time (or more) is reduced when there is no suitable reaction to the disclosure, which frequently leads to additional pain for the child and makes them feel completely alone and powerless. Some CSA victims choose not to share their stories. There are several reasons why this might happen. The abuser may become the child's primary provider. Others were afraid, guilty, ashamed, or angry, which prevented them from reporting the abuse. Children who put themselves in danger of revelation can end up being silenced and without protection. As mentioned, CSA disclosure may have several negative effects. For instance, breaching the taboo over familial CSA

³⁵Siddique Ahmed, *Criminology: Problems and Perspectives* (6th edn. Eastern Book Company, Lucknow, 2009) 400.

³⁶Inman Deborah, *Childhood Sexual Abuse: Believing Victims And Supporting Survivors* (17th edn., I Universe USA 2018)42.

³⁷*Ibid.*

³⁸Al Alyahri.and R. Goodman, 'Harsh corporal punishment of Yemeni children: occurrence, type, and association'32 Child Abuse & Neglect: The International Journal 766, <<https://isiarticles.com/bundles/Article/pre/pdf/31032.pdf>>accessedon 16 July 2025).

³⁹ Nathaniel Branden, Causes and Consequences of Child Sexual Abuse(2013) <http://dlmssv.inflibnet.ac.in:8080/jspui/bitstream/123456789/58/13/13_Chapter%204.pdf>accessed on 7th Nov 2025.

⁴⁰Karen.L. Kinnear, *Childhood Sexual Abuse: A Reference Handbook* (2nd edn. ABC-CLIO 2007)23.

⁴¹Pallavi Nautiyal, Arun Mal, Towards Protection of Children Against Sexual Abuse: No Child's Play,3 NUJS Law Review 78 (2010), <http://nujlawreview.org/wcontent/uploads/2016/12/pallavi_nautiyal> accessed 21st Dec 2025.

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frequently leads to the relationship's dissolution. To preserve the family unit and shield the perpetrator from legal repercussions, the youngster may "forget" or deny the terrible event.

To lessen or stop their parents' suffering, victims of sibling sexual abuse may downplay their misery. When parents or caregivers disclose this kind of abuse, they face the challenging task of finding assistance for both the victim and the perpetrator. Due to their reactions to the trauma, many parents and caregivers find it difficult to provide the emotional support and affection that both the child victim and the child offender require. Many children learn to feel that their abuser is capable of carrying out their threats since fear is the main tool used by perpetrators to guarantee that the abuse continues. This makes disclosure very challenging and even deadly.

Children frequently attempt to explain their issues and feelings through drawings and paintings. To encourage children to confess everything they may have experienced as violence, one should provide a safe and free environment at home. This is especially important if the abuse occurred within the family.⁴²

The main reason such crimes go undiscovered is that the child victims expect harsh reprimands and possibly physical punishment from their parents after learning of the incident. Many children are afraid of being beaten if they tell their parents about it. It has been observed that many children may be unaware that they have been sexually abused. They may believe the abuse is common, especially if the perpetrator is someone the child knows and trusts. The main reason such crimes go undiscovered is that the child victims expect harsh reprimands and possibly physical punishment from their parents after learning of the incident. Many children are afraid of being beaten if they tell their parents about it.⁴³

Provisions under the Protection of Children from Sexual Offences (POCSO) Act, 2012(with amendment in 2019)

One of the most important pieces of legislation for the protection of children from sexual abuse is the Protection of Children from Sexual Offences (POCSO) Act, 2012. This is the country's first piece of legislation that explicitly addresses and defines crimes against minors.

In 2007, the Ministry of Women and Child Abuse performed a poll to determine what

proportion of children had been victims of child abuse; astonishingly, 53 percent of the overall child population had been victims of child abuse. When individuals were asked at the end of the study if there should be a law against this crime, 99.6% replied yes. This was one of the signs of growing public demand for the bill, enacted by both houses of parliament on May 22, 2012, following Rajya Sabha approval on May 10, 2012, and took effect on November 14, 2012.⁴⁴

This Act is gender-neutral and ensures children security and well-being. Any sexually mature adult who willfully or inadvertently violates a child's usual societal or specific obligations or permits the child to participate in sexually suggestive activities intended to satiate the abusive person's sexual desires may be considered to have sexually abused without the consent of the child under the age of 18.⁴⁵

Sexual assault is the Act of touching a child's genitalia and breasts or forcing a youngster to touch another person's genitalia to have intercourse without penetrating. When a police officer, member of the military forces, public servant, or staff member of a jail, hospital, or educational institution sexually rapes a child within their jurisdiction, it is considered an aggravated sexual assault.⁴⁶

Penetrative sexual assault is addressed under the POCSO Act,⁴⁷ and the circumstances under which it qualifies are specified in the same Act.⁴⁸ Any person who aids and abets the commission of an offence and the offence is carried out will be punished by the POCSO Act's provisions.⁴⁹

When two people engage in sexual activity with consent, and one of them is a juvenile, the non-minor partner may face prosecution under the POCSO Act since the minor's consent is not taken into consideration by this law. Those who make a false complaint to slander, threaten, extort, or humiliate

⁴⁴Government of India, *Study on Child Abuse: 2007* (Ministry of Women and Child Development, 2007).

⁴⁵P. Rahul Ambedkar, *Protection of children from sexual Offences Act, 2012: An Overview* (2024) <<https://cdnbbsr.s3waas.gov.in/s3ec030b6ace9e8971cf36f1782a982a7/uploads/2024/09/2024092050.pdf>> accessed 5th Dec 2025.

⁴⁶ The Protection of Children from Sexual Offence Act, 2012, s.5.

⁴⁷*Ibid.* s.3.

⁴⁸*Ibid.* s.5.

⁴⁹*Ibid.* s.17.

⁴²Virani, (n 10)160.

⁴³*Ibid.*

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another person may be punished under the POCSO Act.⁵⁰

*In the case of Dr Praful B. Desai,*⁵¹ the court has decided that adequate protection must be offered and the right precautions must be taken before recording a victim of sexual abuse's statement. The court advised recording evidence with closed-circuit cameras and videography while safeguarding the victim or the witness. During the collection of evidence, the petitioner had requested specific protections for the victim or witness. The court decided that, according to section 273 of the Criminal Procedure Code, testimony might be recorded via video conference. The court determined that the questions for the accused's cross-examination must be provided to the presiding officer in writing before the officer can ask the victim or witness about them in plain, non-embarrassing language. The court also ruled that the child abuse victim must get as many breaks as they require.

In *Alakh Alok Srivastava vs Union of India*,⁵² A three-judge group offered recommendations for promptly resolving POCSO Act cases under Judges D. Y. Chandrachud, A.M. Khanwilkar, and Chief Justice of India Deepak Mishra. The Public Interest Litigation initiated by lawyer AlakhAlok Srivastava against the States' noncompliance with the POCSO Act's obligations was brought to the Supreme Court's attention. The Honorable Supreme Court gave the States the following directives:

1. According to the High Courts, the Special Courts must hear and decide cases brought under the POCSO Act.
2. The trial should be completed quickly or within the Act allotted time, and unnecessary adjournments should be prohibited.
3. Special courts must be if they haven't already been established.
4. To supervise and control the development of the procedures carried out under the POCSO Act, the Chief Justices of the High Courts have to form a committee consisting of three judges. A one-judge committee consisting of no more than three judges will be established by the Chief Justices of the relevant High Courts.

⁵⁰The Protection of Children from Sexual Offence(POCSO)Act 2012 s.22.

⁵¹*State of Maharashtra versus Dr. Praful B. Desai* (2003) 4 SCC 601.

⁵²(2018) 1 SCALE 589.

5. The Director General of Police or a representative of comparable status must form a Special Task to supervise the proper handling of the investigation and the prompt appearance of witnesses before the trial courts.

6. Adequate steps must ensure a welcoming environment for families at the Special Courts.

Riki Ahmed, also known as Bicky, of the Kawri Patty neighbourhood of Naliapool, has been taken into custody by the Assam police on charges of repeatedly raping a 15-year-old girl in Dibrugarh. The victim's maternal uncle is the defendant, Riki Ahmed. The girl's family filed a formal complaint alleging that the accused had sexually assaulted the girl over 20 times, which led to the man's arrest. The victim's relatives were unaware of the problem. The family only found out about the case yesterday, and they promptly complained to the police about the accused. Riki Ahmed allegedly used to drug his niece before raping her. According to reports, he is connected to many groups in the town of Dibrugarh. A case (number 1513/20) has been filed against the offender at the Dibrugarh police station under Section 4 of the Protection of Child from Sexual Offence Act and Sections 448/376 D(A)/506 of the IPC, according to Additional Superintendent of Police Padmanav Baruah. The police officer asserted that the circumstantial evidence suggests the accused's involvement, even though the accused rejected the charges against him.⁵³

In the case of *Ranjit Hazarika vs. the State of Assam*⁵⁴, the accused sexually assaulted and raped a 14-year-old Assamese girl while she was returning home from a television program at 3.30 a.m. The defendant offered to walk with her as she made her way alone to her home. On the other hand, he attacked her sexually on the way home. He stopped her forcibly, coerced her into having sexual contact without her consent, and then threatened to remain silent and deny what had occurred. The abused youngster, however, hurried home and informed her parents of all that had happened. The Assam High Court upheld the lower court's decision to find the defendant guilty of breaking section 376 of the Indian Penal Code. Both courts have considered and acted upon the testimony of the victim or the prosecutor.

⁵³Assam: One Riki Ahmed arrested for repeatedly raping his minor niece after drugging (2020)<<https://www.opindia.com/2020/09/riki-ahmed-arrested-20-times-rape-minor-niece-assam-dibruga>>accessed on 7th Dec 2024.

⁵⁴(1998) 8) SCC 635.

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A barber in Kokrajhar, western Assam, is accused of sexually assaulting a 5-year-old girl on January 4, 2020. The accused Devilal Thakur, 38 years old has been a local barber for eight years. Police detained and charged the accused under POSCO Act and IPC section 376 AB. Basumatary claims he is being questioned by Kokrajhar police. The complaint is also with Kokrajhar's child protection committee.⁵⁵

However, in 2019, the Act underwent an amendment that increased the severity of its penalties. It allows for harsher consequences, such as increased prison time, and depending on the nature of the Act, the courts may impose penalties on the Perpetrator, even the death sentence in extreme situations. 20 years of imprisonment has been imposed and a fine have been added to the punishment, which was formerly sixteen years.⁵⁶

Even if this Act has made certain changes, there are still certain gaps. For instance, Section 22 of the POCSO Act stipulates that filing a false report might result in punishment; yet, Section 22(2) exempts a minor from receiving any punishment for filing a false complaint. Families desire retribution from those that utilize this area, if we observe the ground. There have also been documented instances of families using this part to extort money and blackmail others.

The death penalty under this Act has a significant impact on the offender; he may kill the child to avoid severe punishment. Secondly, the family member may keep the matter within the four walls of the house if the Perpetrator is of the Family member to protect them from the death penalty.

The best treatment for child abuse is prevention. The Act doesn't provide any steps to stop such crimes before they are committed. The POCSO Act does not protect people who report abuse. Even if reporting such abuse is required, there is no safeguard in place to protect the individual who reports it.

Role of Enforcement Agencies protecting children from Abusive activity in Assam

The researcher has discovered that several law enforcement agencies play an important part as the backbone of civilized society. In the absence of these organizations, it is impossible to feel safe and shielded from the evil that is the human condition. The following is an explanation of some of the most important law enforcement agencies, which are those that have been specifically formed by a statute or are given the authority to enforce laws about child protection.

Police have been the most prevalent and primary law enforcement agency for centuries in practically every country, and India is not unique in this regard.⁵⁷ The Special Juvenile Police Unit (SJPU) was founded under the Juvenile Justice Act to address this issue to some degree, particularly in cases involving children, and to provide training for special officers to handle sensitive cases that are related to children. The Special Juvenile Police Unit, also known as the SJPU, is a division of the police force that is set up to deal with cases involving juveniles or any other situation that involves a child. At each police station, there must be at least one officer designated as a juvenile officer or child welfare officer. This officer must receive proper training on occasion to deal with issues that are associated with children or juveniles. In addition, the PrOCSO Act, 2012, also known as the POCSO Act, as was mentioned in the chapter that came before it, allows for complaints to be filed with the SJPU or the Local Police in situations involving child sexual abuse. This gives them the ability to exercise their authority in a roundabout way under the Act.⁵⁸

The Child Welfare Committee is an important stakeholder that plays a crucial part in ensuring that the child victim receives the required care and protection. Within twenty-four hours, the Special Court or Special Court must be informed about such abusive activity against children by the SJPU or the Local Police. This notification must be accompanied by the report that was generated by the Police. If the report that was presented by the police shows that the child needs care and protection, the Child Welfare Council is obligated to decide within three days as to whether or not the child should be removed from his family and placed in a children's

⁵⁵Editorial, A 5-year-old girl child was allegedly sexually assaulted on Monday by a barber in western Assam's Kokrajhar district, *North east now* (4th Jan 2020) < <https://nenow.in/north-east-news/assam-5-year-old-child-sexually.html> > accessed 6th Dec 2024.

⁵⁶Government of India, *Implementation of POCSO Act* (Ministry of Women and Child Development, 2023), < <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1945850> > accessed 5th Dec 2024.

⁵⁷The Juvenile Justice (Care and Protection of Children) Act 2015, s107

⁵⁸The POCSO Act, 2012, s. 19

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home. At their initiative or the request of the child's family, the Child Welfare Council (CWC) is entitled to offer a support person to the kid to assist with the entirety of the investigation and trial period.⁵⁹ Also, the District Child Protection Unit, often known as the DCPU, is a statutory agency that was founded by each state government by the Juvenile Justice Act and the State Child Protection Society.⁶⁰

These days, non-governmental organizations (NGOs) go out to victims of sexual assault and offer them any assistance feasible, even before the police arrive. Their goal is to provide them with direction and other forms of support so that they will cooperate with the police during the entire process of inquiry and recording statements. The victim family may feel more at ease going to a non-governmental organization (NGO) rather than a police station for many reasons, including the fear of being re-victimized at the hands of the police, a lack of awareness, or any other cause. When this occurs, the non-governmental organization is aware of their legal rights as well as the significance of the police. They encourage them to file a First Information Report (FIR), and if they are hesitant, the professionals from the NGO accompany them to the station.⁶¹

UTSHAH is the name given to a single non-governmental organization (NGO) in Assam that is striving to protect children or carry out any other tasks that are authorized by the POCSO Act. Aside from that, the Child Welfare Committee and CHILDLINE are specialized central government agencies that have staff members who have received extensive training and can give emergency services and rescue operations over the phone during the day and night.⁶²

The Assam State Commission for Protection of Child Rights analyzes the role and function played by the Assam State Commission for Protection of Child Rights (ASCPCR) in the implementation of the POCSO Act and the POCSO Rules in Assam to protect children from sexual abuse. They do this by conducting interviews with members of the ASCPCR and looking at the following elements. Efforts were

made to raise awareness about the POCSO Act and to develop guidelines for the utilization of stakeholders such as non-governmental organizations (NGOs), instructors, support individuals etc.⁶³

Conclusion and Suggestions

The problem of child rights violations is a worldwide and multidimensional problem with serious socioeconomic and psychological ramifications. India has long suffered child abuse because of several socioeconomic issues that are prevalent in Indian culture. The lack of information and standardization of these topics in routine conversations between minors and adults, combined with low and/or inadequate sexual education in schools, puts children at risk of ignorance and vulnerability when it comes to preventing and recognizing risky situations like CSA. Therefore, the focus should be on educating children about gender equality and how to identify possible abuse circumstances or intentions. This is the primary strategy for reducing the problem, starting with the basics.

Children frequently do not reveal their dreadful "secret" and suffer quietly. However, CSA typically elicits intense feelings such as dread, perplexity, shame, guilt, rage, betrayal, helplessness, melancholy, and despair. CSA survivors may believe that they are faulty different, or impure. For a variety of emotional, social, and cultural reasons, survivors of childhood sexual abuse might find it difficult to express their feelings and experiences.

The key reason for this is that the youngsters have been traumatized and are unable to articulate their experiences effectively. CSA has a long-term negative impact on mental health. The effects may be immediate, moderate, or long-term. It is critical to recognize that measures should be accessible to help survivors heal, as a lack thereof may have long-term consequences for their sexuality, behaviour, and emotions. The life of a child and future are negatively impacted by the abuser who takes advantage of them. Families, schools, the community, the streets, and workplaces are where the majority of cases are reported. Many victims are too young or too weak to defend themselves or share their stories.

Understanding the problems associated with child sexual abuse, the different obstacles the victim

⁵⁹The POCSO Rules 2020, Rule 4 (8)

⁶⁰ The Juvenile Justice (Care and Protection of Children) Act 2015, s106

⁶¹Nagendrappa., Shripad Kulkarni, Role of NGO's in Protecting Child Rights, 8 IJRTI 295 (2023) <<https://www.ijrti.org/papers/IJRTI2305047.pdf>> accessed on 21st December 2024.

⁶²Universal Team for Social Action and Help, (<https://www.idealists.org/en/nonprofit/98565bc72b9e46d58c095b60b7e2f611-guwahati>) accessed 28th Dec 2024.

⁶³Assam State Commission for Protection of Child Rights, (https://socialwelfare.assam.gov.in/portlet_innerpage/assam-state-commission-for-protection-of-child-right) accessed 23rd December 2025.

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encounters, and the motivations behind the failure to disclose such abusive behaviour were the goals of this study piece. According to numerous assessments carried out by various organizations, there were a significant number of CSA cases in India.

One of the primary objectives of the research was to identify the obstacles or challenges that children confront in such abusive activity. The Researcher found out that such a child faces lots of difficulties to overcome such a situation, even after receiving counselling. Several children struggle to deal with others, including their family members. They often become depressed and attempt suicide. It has also been discovered that family members have several issues as well, including depression and an inability to deal with their children's behaviour.

For the second objective, the researcher also gathered information from various sources, primarily Internet sources, as well as articles published in newspapers by various agencies working for child welfare, demonstrating that, the number of reported cases is relatively low in comparison to the number of crimes committed, for which many abusive behaviours are increasing at the fastest rate every day.

The reason for the low number of reported cases is that many victims' families are undereducated, unaware of how to submit a complaint, and believe that they will not receive justice due to their low-income status, which prevents them from affording the necessary funds for the case. Many parents do not view such behaviour as abusive when they ignore their child's complaints or challenges; in fact, many parents avoid such offences out of concern for their reputation.

Many children, even street children, are also abused, but no one speaks out against it or takes action to protect them. Additionally, a lot of child victims and their families are afraid of the Perpetrator since they have been threatened in various ways if they file a complaint against them. These are the primary causes which the Researcher has pointed out for non-reporting of cases.

These crimes are committed by younger people, either men or women or people of any age. Such an individual may be a stranger to any of the young victims loved ones. Under the heading of perpetrator of child sexual abuse, this objective has been thoroughly examined. However, The Researcher has made many recommendations regarding the rules that should be introduced to address the problem and the need to raise public knowledge of the issue to address it. The Resear

cher has covered the third and fourth objectives of this research article.

After gathering information from the appropriate sources, the Researcher finally gathered information about the objectives covered above, namely the challenges faced by child victims, the different age groups of perpetrators, and also about the non-disclosure of criminal activity, which has ultimately proved the hypothesis of this research article about the victims terrible condition and the different types of challenges they face along with their family members, even after they receive proper support and counselling.

Suggestions

The main motive of the police and child protection authorities is to keep children safe from abuse. The growth of children and upbringing are greatly influenced by society. To help people overcome this issue, educational programs about sexual abuse should be spread across society. Therefore, educators, medical professionals, caregivers, and community members must be able to identify, stop, and react to such abusive instances. The study pointed out the following recommendations in light of the aforementioned findings:

Firstly, the societal background must be upgraded; there must be such thinking that there is no difference between girls and boys. Also, in regards to the Perpetrator, it must be evident in the mind of every person that the Perpetrator can be a male or a female, and not only a male can be a perpetrator.

However, It is evident from the wording of Sections 3 and 5 of the POCSO Act that a woman cannot be accused of committing offences under those provisions. However, penetration can occur by any means, including the insertion of an object or other bodily part. It can be committed by a female on a person of any gender.

Section 24(1) is a special provision added to the POCSO Act that deals with recording a child victim statement under the Act. However, if the child victim is a male child in the adolescence stage between the ages of 14 and 18, who has been sexually abused, he would be more uncomfortable or nervous about testifying about the incidents that occurred, in the presence of a female police officer. Therefore, Section 24(1) should be changed to make it more comfortable for both genders of child victims. The provisions should state that a female police officer should be the investigating officer for the female and the other male child who give their consent to speak before a female officer and rest to the male police

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officer to record the statements of child victims over the age of 14.

Section 12 of the POCSO Act does not specify a minimum penalty for sexual harassment, meaning that the Perpetrator may receive a relatively light sentence that will not serve as a deterrent. It is advised that the provisions be changed to select a minimum punishment.

The POCSO Act's Section 28(1) should be changed to require the State Government to create a distinct Special Court rather than identifying the Sessi on Court. The DCPU & CWC depend on privately recognized shelter homes, which have inadequate infrastructure and lack the essential amenities needed for the children. This is because the State Government directly established a minimal and careless number of shelter homes and children's homes. Additionally, many residences have financial difficulties, which lowers the quality level. To ensure that the children who are sent to these shelter homes do not face any problems in their daily lives, it is advised that the State Government act right away and establish at least one shelter home of its own with all the amenities that are directly under the jurisdiction of the government department.

Since there is currently no plan for advance payment, a separate fund should be established in each district and made available to the superintendent of Police; this way, it could be used in an emergency when an officer needs to travel long distances, usually out of State, to retrieve a victim of a sexual offence or human trafficking. To ensure compliance with the POCSO Act, the superintendent of Police in each district should monitor the actions of the officers who deal with child victims of sexual offences.

Since raising awareness is essential to combating crime, educating the general public and young people about these crimes and the laws that protect them is vital. This is required because, in many situations, particularly when it comes to non-penetrative forms of sexual abuse, the child victim is unaware that they have been sexually assaulted; as a result, the incident remains unreported, and the Perpetrator remains unpunished. In a similar vein, the guardian of the victim kid, or even anybody else who learns of the abuse, fails to report it to the Police or seek legal assistance because they are unaware of it or believe that no law can be used to punish the perpetrators.

Therefore, it is recommended that the National Commission for Protection of Child Rights (NCPCR), the Assam State Commission for

Protection of Child Rights (ASCPDR), the District Child Protection Unit (DCPU), and the District Legal Service Authority (DLSA), in collaboration with other organizations, regularly organize awareness programs at different levels, such as schools, colleges, villages, blocks, and districts, to educate people about this type of crime, the available legal remedies, and the significance of filing a formal complaint right away. In addition to the statutory authorities mentioned above, a few other organizations, such as the Bar Association, Lawyers Association, Law College Legal Aid Cell, Legal Literacy Club, and others, can also play a significant role in raising public awareness by organizing legal awareness programs as part of their social responsibility.

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