



CHILD SEXUAL EXPLOITATION IN INDIA: AN ANALYSIS

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ABSTRACT :

Child sexual exploitation in India is a grave and growing concern that challenges the moral and legal fabric of society. Despite the enactment of stringent laws such as the Protection of Children from Sexual Offences (POCSO) Act, 2012, incidents of sexual abuse, trafficking, and online exploitation continue to rise. This paper critically examines the various forms of child sexual exploitation prevalent in India, the socio-economic and cultural factors contributing to it, and the effectiveness of existing legal and institutional mechanisms. It explores the gaps in law enforcement, lack of awareness, victim shaming, and inadequate support systems that hinder justice and rehabilitation for child victims. It concludes that addressing child sexual exploitation requires not just reactive measures, but proactive strategies aimed at prevention, protection, and long-term care for survivors.



KEYWORDS : Child sexual exploitation , socio-economic and cultural factors , victim shaming.

1.1 INTRODUCTION

Child Sexual Exploitation (CSE) has only recently been publicly acknowledged as a problem in India. A welcome development has been the enactment of a special law Protection of Children against Sexual Offences (POCSO) 2012 criminalizing a range of acts including child rape, harassment, and exploitation for pornography. The law mandates setting up of Special Courts to facilitate speedy trials in CSE cases. There are many types of child Exploitation faced by the children in their day-to-day life. Until 2012, the only sexual offences against children recognized by the law were covered by three sections of the Indian Penal Code (IPC) not specific to children. The only crimes registered were rape (sexual intercourse without consent under section 376), outraging modesty of a woman (unspecified acts—section 354) and unnatural acts defined as “carnal intercourse against the order of nature with any man, woman or animal” (anal sex, homosexuality or bestiality—section 377). Consequently, other forms of non-penetrative sexual assaults, harassment and exploitation were not explicitly recognised as crimes and therefore not recorded (assuming they were reported).

1.2 TYPES OF CHILD SEXUAL EXPLOITATION:

There are various types of Child Sexual Exploitation mainly

- A) Physical Exploitation
- B) Sexual Exploitation
- C) Emotional Exploitation

A) Physical Exploitation:

Physical Exploitation involves physical harm or injury to the child. It may be the result of a deliberate attempt to hurt the child or excessive physical punishment. Many physically abusive parents insist that their actions are simply forms of discipline—ways to make children learn to behave. But there is a big difference between using physical punishment to discipline and physical abuse. With physical abuse, the following elements are present:

1. Unpredictability: The child never knows what is going to set the parent off. There are no clear boundaries or rules. The child is constantly walking on eggshells, never sure what behaviour will trigger a physical assault.

2. Lashing out in anger: Abusive parents act out of anger and the desire to assert control, not the motivation to lovingly teach the child. The angrier the parent, the more intense the abuse.

3. Using fear to control behaviour: Abusive parents may believe that their children need to fear them in order to behave, so they use physical abuse to “keep their child in line.” However, what children are really learning is how to avoid being hit, not how to behave or grow as individuals.

Physical Exploitation is inflicting physical injury upon a child. This may include hitting, shaking, kicking, beating, or otherwise harming a child physically.

- i) Two out of every three children were physically abused.
- ii) Out of 69% children physically abused in 13 sample states, 54.68% were boys.
- iii) Over 50% children in all the 13 sample states were being subjected to one or the other form of physical abuse.
- iv) Out of those children physically abused in family situations, 88.6% were physically abused by parents.
- v) 65% of school going children reported facing corporal punishment i.e. two out of three children were victims of corporal punishment.
- vi) 62% of the corporal punishment was in government and municipal school.
- vii) The State of Andhra Pradesh, Assam, Bihar and Delhi have almost consistently reported higher rates of abuse in all forms as compared to other states.
- viii) Most children did not report the matter to anyone. 9. 50.2% children worked seven days a week.

B) Sexual Exploitation:

Child sexual exploitation, also called child molestation, is a form of child abuse in which an adult or older adolescent uses a child for sexual stimulation. Forms of child sexual abuse include engaging in sexual activities with a child (whether by asking or pressuring, or by other means), indecent exposure (of the genitals, female nipples, etc.), child grooming, and child sexual exploitation, including using a child to produce child pornography.

Child sexual abuse can occur in a variety of settings, including home, school, or work (in places where child labour is common). Child marriage is one of the main forms of child sexual abuse; UNICEF has stated that child marriage “represents perhaps the most prevalent form of sexual abuse and exploitation of girls”. The effects of child sexual abuse can include depression, post-traumatic stress disorder, anxiety, complex post-traumatic stress disorder, propensity to further victimization in adulthood, and physical injury to the child, among other problems. Sexual abuse by a family member is a form of incest and can result in more serious and long-term psychological trauma, especially in the case of parental incest.

Child sexual exploitation is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to:

1. The inducement or coercion of a child to engage in any unlawful sexual activity;
2. The exploitative use of a child in prostitution or other unlawful sexual practices;
3. The exploitative use of children in pornographic performance and materials.

The **United Nation** has defined child sexual abuse as “contacts or interactions between a child and an older or more knowledgeable child or adult (a stranger, sibling or person in a position of authority, such as a parent or caretaker) when the child is being used as an object of gratification for an older child or adults sexual needs. These contacts or interactions are carried out against the child using force, trickery, bribes, threats or pressure¹”.

The National Society for the Prevention of Cruelty to Children (NSPCC) UK defines Sexual Exploitation - ‘Sexual exploitation involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact including both penetrative and non-penetrative acts such as kissing, touching or fondling the child’s genitals or breasts, vaginal or anal intercourse or oral sex. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways².

The Child Abuse Prevention and Treatment Act (CAPTA) of United States of America defines sexual abuse as ‘The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or The rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children³.

CANADA- No longer contains separable offences of rape and indecent assault.

According to Federal law of Canada Sexual abuse as ‘Any sexual act involving a child and an adult or another older child. This might include fondling, touching, intercourse or exploiting the child sexually such as taking pornographic pictures or putting the child at risk of exploitation. This can also include non-physical forms of abuse such as exhibitionism, exposure to pornography and voyeurism’³⁰. Sexual abuse is inappropriate sexual behaviour with a child. It includes fondling a child’s genitals, making the child fondle an adult’s genitals, sexual assault (intercourse, incest, rape and sodomy), exhibitionism and pornography. To be considered child abuse, these acts have to be committed by a person responsible for the care of a child or related to the child (for example a baby-sitter, parent, neighbour, relatives, extended family member, peer, older child, friend, stranger, or a day-care provider).

- 53.22% children reported having faced one or more forms of sexual abuse.
- Andhra Pradesh, Assam, Bihar and Delhi reported the highest percentage of sexual abuse among both boys and girls.
- 21.90% child respondents reported facing severe forms of sexual abuse and 50.76% other forms of sexual abuse.
- Out of the child respondents, 5.69% reported being sexually assaulted

¹ www.childlineindia.org.in accessed on 25th June, 2025.

² www.nspcc.org.uk accessed on 21st June, 2025.

³ <https://www.childwelfare.gov> accessed on 23rd June 2014.

- Children in Assam, Andhra Pradesh, Bihar and Delhi reported the highest incidence of sexual assault.
- Children on street, children at work and children in institutional care reported the highest incidence of sexual assault.
- 50% abuses are persons known to the child or in a position of trust and responsibility.
- Most children did not report the matter to anyone.

Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim. According to the federal police In India around 1.2 million children are believed to be involved in prostitution. A CBI statement said that studies and surveys sponsored by the ministry of women and child development estimated that about 40% of all India's prostitutes are children⁴.

Shankar kishanrao Khade v. State of Maharashtra⁵ a gruesome murder of a minor girl with intellectual disability (moderate) after subjecting her to series of acts of rape by a middle ager, who has now been sentenced to death.

Nathu Garam v. State of Uttar Pradesh⁶ upheld the death sentence awarded by the trial Court, confirmed by the High Court, for causing death of a 14 year old girl by a person aged 28 years after luring her into the house for committing criminal assault.

In the case of **Dhananjay Chatterjee v. State of West Bengal**⁷ The Court dealt with a case of rape and murder of a young girl of about 18 years. The Court opined that a real and abiding concern for the dignity of human life is required to be kept in mind by courts while considering the confirmation of the sentence of death but a coldblooded and pre-planned murder without any provocation, after committing rape on an innocent and defense less young girl of 18 years exists in a rarest of rare cases which calls for no punishment other than capital punishment.

In another case **Molai and another v. State of M.P**⁸, a three-Judge Bench of Court justified death sentence in a case where a 16 year old girl, preparing for her Tenth Standard Examination was raped and strangled to death. The Court noticed the gruesome manner in which rape was committed and the way in which she was strangled to death and the dead body was immersed in the septic tank. In **Mohd. Mannan @ Abdul Mannan v. State of Bihar**⁹, a case where a minor girl aged 7 years was kidnapped, raped and murdered. The Court noticed how the accused had won the trust of that innocent girl and the gruesome manner in which she was subjected to rape and then strangled her to death. The accused was aged 42-43 years. The Court held that he would be a menace to society and would continue to be so and could not be reformed. The Court awarded death sentence. The Court held that a balance sheet is to be prepared while considering the imposition of death sentence.

In the case **Rajendra Pralhadrao Wasnik v. State of Maharashtra**¹⁰, rape and murder of a 3 years old child was observed by a married man of 31 years. The Court noticed the brutal manner in which the crime was committed and the pain and agony undergone by the minor girl. The Court confirmed the death sentence awarded. The Court elaborately discussed when the aggravating and

⁴ <https://www.ncjrs.gov/> accessed on 30th April, 2013.

⁵ 25th April, 2013, Criminal Appeal No. 362-363 of 2010.

⁶ AIR 1979 SC 716.

⁷ 1994 (1) ALT Cri 388.

⁸ (1999) 9 SCC 581.

⁹ 2011 (5) SCC 317.

¹⁰ (2012) 4 SCC 37.

mitigating circumstances to be taken note of before awarding sentence and what are the principles to be followed, while awarding death sentence.

In **Mohd. Chaman v. State (NCT of Delhi)**¹¹, the accused, a 30 year old man, had raped and killed a one and a half year old child. Despite concluding that the crime was serious and heinous and that the accused had a dirty and perverted mind, the Court converted the death penalty to one of imprisonment for life since he was not such a dangerous person who would endanger the community and because it was not a case where there was no alternative but to impose the death penalty.

In **Bantu v. State of Madhya Pradesh**¹², this Court converted the death sentence awarded to the accused to imprisonment for life. The accused was a 22 year old man who had raped and murdered a 6 year old child. It was acknowledged that the rape and murder was heinous, but this Court took into account that the accused had no previous criminal record and that he would not be a grave danger to society at large.

Child abuse is shrouded in secrecy and there is a conspiracy of silence around the entire subject. In fact there is a well-entrenched belief that there is no child abuse in and certainly there is no sexual abuse in the country. Further, certain kinds of traditional practices that are accepted across the country, knowingly or un-knowingly amount to child abuse. Existing socio-economic conditions also render some children vulnerable and more at risk to abuse, exploitation and neglect.

C) Emotional Exploitation:

Emotional exploitation is any type of abuse that involves the continual emotional mistreatment of a child. It's sometimes called psychological abuse. Emotional abuse can involve deliberately trying to scare, humiliate, isolate or ignore a child. Emotional abuse is often a part of other kinds of abuse, which means it can be difficult to spot the signs or tell the difference, though it can also happen on its own. Emotional exploitation is also known as verbal abuse, mental abuse, and psychological maltreatment. It includes acts or the failures to act by parents or caretakers that have caused or could cause, serious behavioural, cognitive, emotional, or mental trauma.

This can include parents/caretakers using extreme and/or bizarre forms of punishment, such as confinement in a closet or dark room or being tied to a chair for long periods of time or threatening or terrorizing a child. Less severe acts, but no less damaging, are belittling or rejecting treatment, using derogatory terms to describe the child, habitual tendency to blame the child or make him/her a scapegoat. Emotional abuse (also known as verbal abuse, mental abuse, and psychological maltreatment) includes acts or the failure to act by parents, caretakers, peers and others that have caused or could cause serious behavioural, cognitive, emotional, or mental distress/trauma¹³.

The Indicators of Emotional Abuse Are Follows:

HUMILIATION: Humiliation of a child refers to the degradation of the self-esteem of a child by parents, care-givers or any other persons, often in the presence of others. Instances of humiliation include treating harshly, shouting, belittling, name calling and using abusive language while addressing children.

COMPARISON Parents and other caregivers often compare one sibling with the other or one child with the other in terms of their physical appearance and other characteristics, thus affecting the social, emotional, and intellectual development of a child.

Out of the total child respondents (12447), 48.37% children reported emotional abuse of one form or the other. Of this boy constituted 49.99% and girls 50.01%. Though aspects of girl child neglect have not been added in this section, the percentage of girls and boys reported almost equal perception

¹¹ 2000 III AD (Cr) S.C.554.

¹² (2008) 11 SCC 113.

¹³ Study on child abuse: India 2007- 'Ministry of Women and Child Development' Government of India.

of emotional abuse. The age wise break up of children facing emotional abuse of one form or the other was 47.02% in the age group 5-12 years, 25.61% in the age group 13-14 years and 27.37 % in the age group 15-18 years. What emerges here is that like in many of the sub categories of physical abuse and sexual abuse, it is the younger children in the age group of 5 to 12 years that have reported the highest percentage of emotional abuse.

The states where children reported high percentage of emotional abuse were Assam (71.3%), Delhi (62.01%), Madhya Pradesh (60.22%), Bihar (53.81%) and Maharashtra (50.85%). Even among the states reporting lower rates of emotional abuse e.g., Rajasthan (32.36%), Mizoram (33.23%) and Goa (33.66%), it is noteworthy that every third child felt either humiliated or was negatively compared with other children. Although the percentage of children facing two forms of emotional abuse was lower than the percentage of children facing one form of emotional abuse, there were at least three states where more than 20% of the child respondents reported facing both forms of emotional abuse. Though perception of emotional abuse is largely individual driven, and what one child perceives as emotional abuse may not be perceived by another child, the fact that such a large percentage of children have a perception of being emotionally abused is indicative of the fact that the way adults/parents/care givers deal with children leaves much to be desired¹⁴.

In India there is no clear cut perception of the extent of the emotional abuse and neither is their clarity on the damaging effects of continuous emotional abuse on the psyche of children. This study has revealed that every second child perceives himself or herself as being emotionally abused. The study has not examined the impact or the effects of the abuse on children; however, it is clear that this is an area that requires detailed study and analysis. Getting factual data on emotional abuse is a difficult task as children often do not understand that they are undergoing emotional abuse.

Six out of 13 states reported higher percentage of emotional abuse among boys compared to girls, the highest being in Andhra Pradesh (69.70%). While the percentage of boys who reported emotional abuse in Andhra Pradesh was more than double that of girls (69.70% as compared to 30.30%), Gujarat showed a reverse trend (30.26% boys as against 69.74% girls). It is noteworthy that similar to the trends of physical abuse and sexual abuse, emotional abuse in the four states, namely, Andhra Pradesh, Assam, Bihar and Delhi is also high.

According to 'Study on Child Abuse-2007:

1. Every second child reported facing emotional abuse.
2. Equal percentage of both girls and boys reported facing emotional abuse.
3. In 83% of the cases parents were the abusers¹⁵.

1.3 TYPES OF EMOTIONAL EXPLOITATION:

Emotional Exploitation includes:

- Threatening, shouting at a child or calling them names
- Making the child the subject of jokes, or using sarcasm to hurt a child
- Blaming and scapegoating
- Making a child perform degrading acts
- Not recognising a child's own individuality or trying to control their lives
- Pushing a child too hard or not recognising their limitations
- Exposing a child to upsetting events or situations, like domestic abuse or drug taking → Failing to promote a child's social development
- Not allowing them to have friends
- Persistently ignoring them

¹⁴ Ibid.

¹⁵ Study on child abuse: India 2007- 'Ministry of Women and Child Development' Government of India.

- Being absent
- Manipulating a child
- Never saying anything kind, expressing positive feelings or congratulating a child on successes
- Never showing any emotions in interactions with a child, also known as emotional neglect¹⁶.

Signs of Emotional Exploitation:

There might not be any obvious physical signs of emotional abuse or neglect. And a child might not tell anyone what's happening until they reach a 'crisis point'. That's why it's important to look out for signs in how a child is acting.

As children grow up, their emotions change. This means it can be difficult to tell if they're being emotionally abused. But children who are being emotionally abused might.

- Seem unconfident or lack self-assurance
- Struggle to control their emotions
- Have difficulty making or maintaining relationships
- Act in a way that's inappropriate for their age.

The signs of emotional abuse can also be different for children at different ages¹⁷.

1.4 CAUSES OF CHILD EXPLOITATION:

Traditionally, the family and community in India have been insular, authoritarian and patriarchal, with parents(s)/guardians/ caretakers having full right over their children, to treat them in whichever way they deem fit. Traditional child rearing practices accept physical force or punishment as means of disciplining. Child beating and corporal punishment by the parents/guardians or even teachers are considered to be in the "interest of the child"¹⁸.

The question why children are abused is not so difficult to answer⁴⁷. The relative lack of viability of the human infant, the helplessness and defencelessness of young children, make them easy targets for sexual abuse, molestation, prostitution, pornography and therefore, destruction. The child victim vis-à-vis the child offender is often characterized as the 'David – Goliath Syndrome', which refers to a situation where there is extreme and flagrant disproportion in powers of the parties involved.

Values and beliefs about issues pertinent to child sexual abuse are, sexuality, nudity, discipline practices, family boundaries, respect for elders, personal and familial privacy, family roles, acceptance of strangers, and help-seeking attitude are all influenced and often guided by the family's and society's cultural, religious and racial or ethnic identification.

Child sexual abuse is never anyone's fault but the offender. It is perpetrated against children and young people of all ages and in families from all backgrounds, religions and economic situations. Sexual abuse is associated with discriminatory attitudes to women and sex that men learn from a young age, as well as unique power relationships between men and women and adults and children. There is not any single fact which causes child abuse; abuse usually occurs in families where there is a combination of risk factors. Abuse and neglect occur most often in families who are under pressure and lack support.

Most abuse other than sexual Exploitation occurs in families to which some, or all, of the following apply:

- Poverty
- Lack of Education
- Violence between family members
- Lack of support from the extended family

¹⁶ What Is Emotional Abuse & Things You Should Know | NSPCC.

¹⁷ Ibid.

¹⁸ India Country Report on Convention on The Rights of The Child, 1997. Para 9.7 Available at: NIPCCD.

- Loneliness and social isolation
- Unemployment
- Inadequate housing
- Sexual urges and willingness to act on these, power and control issues,
- Traumatic childhood experiences or troubled families.

Acts of child sexual abuse are committed by men, women, teenagers, and other children. Sex offenders are found in all areas of society and come from a variety of backgrounds. Child sexual abuse can also be motivated by money, for example with child prostitution and pornography.

1.5 EFFECTS OF CHILD SEXUAL EXPLOITATION:

One should be extremely wary of simplistic aphorisms along the lines of “children are resilient” or “children don’t suffer in the same way as adults”.

Child sexual exploitation is a child’s introduction to sexuality, one that creates a warped sense of self, body image, and body boundaries that lasts through adulthood, and links connotations of parent / provider and trust - affection with fear / aggression / exploitation. There is no language or rationale that a child can find to make sense of the sexual abuse being committed upon it. So the mind begins on a journey of creating masks and fences to give some ‘acceptable’ form to the terror within, leading to a number of complex issues in adulthood, which leads to feelings of guilt, shame and, above all, silence¹⁹. There will be sudden physical, emotional and behavioural changes in the child, some of which could be the following:

- Alcohol and Substance abuse
- Aggression
- Disrupted peer relations
- Guilt
- Homosexuality
- Hostility
- Hyperactivity
- Impaired trust
- Low self-esteem
- Lying
- Nightmares
- Phobias
- Running away from home
- Sexualized behaviour
- Sleep problems²⁰

CONCLUSION:

Child sexual exploitation in India remains a deeply disturbing and complex issue that reflects systemic gaps in legal enforcement, societal awareness, and institutional support. While laws like the POCSO Act provide a robust legal framework, their implementation often falls short due to delays in justice, lack of child-friendly mechanisms, and societal reluctance to report or acknowledge abuse. The rise of online exploitation and trafficking further complicates the problem, exposing children to new and evolving threats.

¹⁹ Ganesh Indira Maya, “when sexuality is Violence”, Voices for Change: A Journal on Communication Development, Vol. 3 (1), April 1999. p. 50-52.

²⁰ Finkelhor D, Sexually Victimized Children, Free Press: New York, 1979. pp. 76 & 77.

To combat this menace effectively, there is a need for a coordinated effort involving stronger legal enforcement, sensitization of law enforcement agencies, comprehensive sex education, community vigilance, and active participation of NGOs and civil society. Moreover, victim-centric rehabilitation, counselling, and long-term support systems are essential to help survivors rebuild their lives. Only through a holistic, rights-based, and proactive approach can India hope to protect its children and ensure a safe and secure future for them.