CHILD SEXUAL ABUSE IN SCHOOLS IN INDIA: A CRITICAL ANALYSIS

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ABSTRACT

Purpose: The purpose of this study is to investigate the types and prevalence of Child Sexual Abuse (CSA) in India, with a focus on its widespread presence throughout the educational system. It also aims to identify and address societal, cultural, and familial risk factors for CSA. The report argues for increased awareness of minors' safety and rights, particularly those of girls, throughout their schooling years.

Theoretical reference: This study employs a multidisciplinary approach, including findings from psychology, sociology, and education. It combines trauma theory, child development, and gender studies to examine the impact of CSA on minors in the educational context.

Method: The study adopts a mixed-method approach, integrating qualitative interviews with survivors, instructors, and parents with a quantitative survey to examine CSA beliefs and knowledge levels. To obtain relevant insights, data is evaluated using thematic coding and statistical approaches.

Result and conclusion: The study demonstrates a worrying incidence of CSA inside the Indian education system, emphasizing the critical need for intervention. It addresses significant risk factors, emphasizing the importance of education in protecting children. The findings highlight the need of effective reporting procedures and due process in protecting children's rights and safety.

Implications of Research: This study emphasizes the need of educational institutions prioritizing minors' safety and well-being. It promotes the adoption of clear, accessible reporting systems as well as strong preventive initiatives. Furthermore, it emphasizes the importance of knowing and addressing teachers' and parents' views and knowledge levels in order to create a safe workplace.

Originality: This study adds to the current body of knowledge by providing a thorough assessment of CSA inside the Indian school system. It gives deep insights into the special issues faced by minors, particularly girls, as well as effective preventative and intervention solutions. This research also emphasizes the critical role of educators and parents in fostering a safer learning environment.

Keywords: child sexual abuse, Erin's law, bodily abuse, sexual abuse, emotional abuse, medical abuse, neglect abuse, good touch-bad touch.

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RESUMO

Objetivo: O objetivo deste estudo é investigar os tipos e a prevalência de Abuso Sexual Infantoil (CSA) na Índia, com foco em sua presença generalizada em todo o sistema educacional. Visa também identificar e abordar os fatores de risco societais, culturais e familiares para a APC. O relatório defende uma maior sensibilização para a segurança e os direitos dos menores, em particular das raparigas, ao longo dos seus anos de escolaridade.

Referência teórica: Este estudo emprega uma abordagem multidisciplinar, incluindo descobertas de psicologia, sociologia e educação. Combina teoria do trauma, desenvolvimento infantil e estudos de género para examinar o impacto da ASC em menores no contexto educacional.

Método: O estudo adota uma abordagem de método misto, integrando entrevistas qualitativas com sobreviventes, instrutores e pais com uma pesquisa quantitativa para examinar as crenças e os níveis de conhecimento da CSA. Para obter informações relevantes, os dados são avaliados por meio de codificação temática e abordagens estatísticas.

Resultado e conclusão: O estudo mostra uma incidência preocupante de CSA no sistema educacional indiano, enfatizando a necessidade crítica de intervenção. Aborda fatores de risco significativos, enfatizando a importância da educação na proteção das crianças. As conclusões destacam a necessidade de procedimentos eficazes de comunicação de informações e de um processo adequado para proteger os direitos e a segurança das crianças.

Implicações da pesquisa: Este estudo enfatiza a necessidade de instituições educacionais priorizarem a segurança e o bem-estar dos menores. Promove a adoção de sistemas de informação claros e acessíveis, bem como iniciativas preventivas fortes. Além disso, sublinha a importância de conhecer e abordar as opiniões e os níveis de conhecimento dos professores e dos pais, a fim de criar um local de trabalho seguro.

Originalidade: Este estudo contribui para o corpo atual de conhecimento, fornecendo uma avaliação completa da CSA dentro do sistema escolar indiano. Dá uma visão profunda das questões especiais enfrentadas pelos menores, em particular as raparigas, bem como soluções preventivas e de intervenção eficazes. Esta investigação também enfatiza o papel crucial dos educadores e dos pais na promoção de um ambiente de aprendizagem mais seguro.

Palavras-chave: abuso sexual infantil, lei de Erin, abuso corporal, abuso sexual, abuso emocional, abuso médico, abuso de negligência, toque bom - toque ruim.

1 INTRODUCTION

Child sexual abuse is described by the World Health Organization as directing the child in sexual activity that the child does not fully understand to give an informed consent. Such activities are considered developmentally inappropriate for him and violate
societal laws or taboos. It encompasses a variety of sexual behaviours, such as fondling, urging a kid to engage in sexual contact or to engage in sexual contact, intercourse and exhibitionism. It also means involving a child in prostitution or pornography, or online child enticement by cyber-predators. There are many types of child abuses including bodily abuse, sexual abuse, emotional abuse, medical abuse, and neglect, many of which happen simultaneously. Child abuse is frequently committed by someone the child knows and trusts. An abused youngster could land up experiencing guilt, shame, or confusion. When a parent or another relative or a close family friend abuses the child, the child may be afraid to report the abuse to anybody. Experts claim that it is a misuse of authority and trust. Even when the child matures into an adult, the effects of abuse continue to haunt him or her.

According to a report released by the World Health Organization on September 19, 2022, 300 million children between the ages of 2 and 4 regularly experience physical punishment as well as psychological abuse in the hands of their parents or other caretakers. One in five women and one in every 13 males, have reported having experienced sexual assault during their childhood up to the age of 17 years. 120 million girls and young women under the age of 20 have experienced forced sexual interaction in some way or the other. Violence is handed down from one generation to the next because abused children are more likely to abuse others after turning adults. Hence, it is essential to stop the cycle of violence like nipping it in the bud itself. Guiding & supporting the parents, imparting good parenting techniques to them and strengthening the law to outlaw corporal punishment are all examples of effective prevention strategies.

2 TYPES OF CHILD ABUSES

Notwithstanding the description of child abuse stated above, there are numerous ways that child abuse can happen. A study done by Mayo Clinic Staff indicates that the following situations may involve child abuse:

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4 By Mayo Clinic Staff; Child Abuse; available at https://www.mayoclinic.org/diseases-conditions/child-abuses/symptoms-causes/syc-20370864
6 WHO: Child maltreatment (19 September 2022); Available at https://www.who.int/news-room/fact-sheets/detail/child-maltreatment
7 By Mayo Clinic Staff; Child Abuse; available at https://www.mayoclinic.org/diseases-conditions/child-abuse/symptoms-causes/syc-20370864
2.1 BODILY ABUSE

When a child is purposefully hurt bodily or placed in danger physically by another person, it is considered bodily abuse.

2.2 SEXUAL ABUSE

Any sexual activity with a child is considered child sexual abuse. This may entail intercourse or oral-genital contact, as well as purposeful sexual touching. This can also include non-contact sexual abuse of children, such as exposing them to pornography or sexual activity, watching or photographing them in a sexual way, sexually harassing them, or using them as prostitutes, including for sex trafficking.

2.3 EMOTIONAL ABUSE

Abusing a child's emotional health or self-esteem is referred to as emotional abuse. It also includes isolating, dismissing, or rejecting a child in addition to verbal and emotional abuse, such as persistently denigrating or berating a child.

2.4 MEDICAL ABUSE

When someone offers a child incorrect information about a condition that needs medical attention, placing the youngster at danger for harm and requiring needless medical care, this is known as medical child abuse.

2.5 NEGLECT

A child is considered to be neglected when he is not given enough food, clothing, shelter, love & affection, supervision, education, or dental or medical care.

3 INTERNATIONAL LAW

Article 19 (1) of the UN Convention on the Rights of the Child\(^8\) provides that the States Parties shall take all necessary statutory, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual

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abuse, while the child is in the care of parent(s), legal guardian(s), or any other person who has the child's care. As per Article 19(2), these preventative measures unavoidably involve effective procedures for the development of social programmes. The emphasis must be to provide the child and those in charge of caring for him or her with the necessary support. Additionally, other types of preventive measures like identification, reporting, referral, investigation, treatment, and follow-up of cases of child maltreatment as previously described, must be resorted to that are considered necessary for judicial intervention.

States Parties are expected to take all necessary measures to make sure that school discipline is carried out in a way that respects the child's human dignity and is in compliance with the existing Convention, as stated in Article 28(2) of the Convention. States Parties agree that a child's education should be focused on promoting respect for human rights, fundamental freedoms, and the principles of the United Nations Charter, as stated in Article 29 (1) (b) of the Convention. Article 37(a) of the UN CRC states that no child shall be subjected to torture or other cruel, inhumane, or degrading treatment or punishment.

4 ERIN’S LAW IN UNITED STATES OF AMERICA

Here it would be profitable to refer the system used in a number of American States. The year 2011 witnessed approval of a bill mandating the installation of a “Child Sexual Abuse Prevention Programme” in all Illinois schools. Erin's Law requires that programmes aimed at preventing child sexual abuse be implemented in each state's public schools. Every public schools with students in Pre-K through 12th grade should have a programme to prevent child sexual abuse. It was recommended that the following key components be included in every district's or school's programme to prevent child sexual abuse:

a) Programs should encourage children to come out and report child sexual abuse while also providing them with the knowledge and resources necessary to minimize their susceptibility.

b) In order to recognize the value and usefulness of an environmental design, programmes may include building interventions such as visual aids displayed

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9 The Key Components of Erin’s Law; available at https://www.erinlawillinois.org/erins-law/the-key-components-of-erins-law/
across the school, reinforcing the concepts learned within the preventative programme.\textsuperscript{10}
\begin{itemize}
  \item[c)] Programs need to be age- and developmentally appropriate for each grade level, run at least once a year, and build on knowledge acquired the previous year.
  \item[d)] Programs should involve children as active learners and include discussion, role-playing, and modelling for best efficacy.\textsuperscript{11}
  \item[e)] A range of employees should be able to deliver programmes.\textsuperscript{12} Taking into account the various resources and staffing patterns of each school, preventive programmes should be able to be managed by a variety of professionals, such as teachers, school counsellors, outside agency prevention educators, etc. Professionals who fully comprehend child sexual abuse, including how to respond appropriately to disclosures, should give these preventive programmes.
  \item[f)] Programs should include a measurable evaluation component.
  \item[g)] Programs should be adaptable enough to be employed in various school settings and sensitive to cultural differences (age, race, special needs, etc.).
  \item[h)] Programs for administrators, teachers, and other school personnel must include professional training sessions on speaking to students about child sexual abuse prevention, the effects of child sexual abuse on children, handling disclosures, and mandated reporting.
  \item[i)] Since that parents are so important in protecting children from harm, programmes must contain a section that encourages parental involvement in the child sexual abuse prevention programme. In this section, parents should learn about topics related to child sexual abuse, such as the traits of offenders and how to discuss it with their children.
\end{itemize}

As part of the programme, parents and guardians must also get training on the indicators of child sexual abuse and the services available to assist families with abused children. Additionally, it mandates that teachers and other staff members complete

\textsuperscript{11} Lindsay E. Asawa, David J. Hansen and Mary Fran Flood Source: Education and Treatment of Children (FEBRUARY 2008); Early Childhood Intervention Programs: Opportunities and Challenges for Preventing Child Maltreatment, Vol. 31, No. 1, pp. 73-110 Published by: West Virginia University Press Stable URL: https://www.jstor.org/stable/42899964
\textsuperscript{12} Ian Barron, Keith Topping (2008); School-based child sexual abuse prevention programmes: The evidence on effectiveness; Journal of Children's Services; DOI:10.1108/17466660200800017
training on child sexual abuse. The law is known as "Erins Law" in honour of Erin Merryn, a victim of child abuse.

In the United States of America, "Erin's Law" has already taken effect in 37 States and is presently being discussed in another 13 States. The success of these programmes is evidenced by the fact that the majority of States have taken measures to prevent sexual abuse as a legal obligation.

5 INDIAN LAWS AND REGULATIONS

According to Right of Children to Free and Compulsory Education Act, 2009, the right to free and compulsory education for children up to the age of 14 is protected. Under Article 21 of the Constitution of India the right to life and dignity is also guaranteed. Any sort of bullying, prejudice, mistreatment, or corporal punishment undermines a child's freedom and dignity. Additionally, it interferes with a child's access to an education because fear increases kids' propensity to skip class or quit completely.

Article 39(e) directs the State to work progressively to ensure that “… the tender age of children is not abused.” Article 39(f) directs the State to work progressively to ensure that “children are given opportunities and facilitates to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against oral and material abandonment.”

The Protection of Children from Sexual Offenses Act, 2012 (often referred to as the "POCSO Act") and reforms to the Indian Criminal Code 1860, however, have significantly altered the legislation in India dealing to sexual offences. However, young individuals still don't appear to grasp the gravity of sexual act effects, though. The POCSO Act's Section 19 (1) specifies the process for reporting cases. It reads, as follows:- "Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,- (a). The Special Juvenile Police Unit or (b). The local police. Section 21 (2) of the Act provides: “Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.
According to Section 27 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the State Government shall establish one or more Child Welfare Committees (CWC) for each district by notification in the Official Gazette to exercise the powers and to carry out the duties entrusted to such Committees in relation to children in need of care and protection under this Act and ensure that all committee members receive induction training and sensitization within two months from the date of notification. The Committee will have a chairperson and up to four additional members, two of whom must be child-related experts and at least one of whom must be a woman, as determined by the State Government. The CWC is in charge of investigating all matters pertaining to the security and welfare of the children, and it may instruct child welfare officers, district child protection units, or non-governmental organizations to carry out social investigations and present a report to the committee.

According to the Juvenile Justice Act, anybody who has direct control over a child is under an unequivocal obligation to protect the kid from all forms of abuse, harassment, cruelty, bullying, and neglect as well as to prevent the child from ever being exposed to such conditions. Failing to comply with this will result in criminal charges. Schools that fall under the purview of this statute are nonetheless subject to accountability in cases of child abuse, even if it occurs online. According to this law, if a child experiences abuse of any kind during a period of proximity, the parent, guardian, or a reliable close friend must go to the police station and file a complaint. The Criminal Procedure Code will thereafter be applied by the police.\footnote{Swati Amar (15.06.2021); Child Sexual Abuse: Laws and helplines to protect our children and seek justice; available At https://chennai.citizenmatters.in/child-sexual-abuse-laws-and-helplines-30159https://chennai.citizenmatters.in/child-sexual-abuse-laws-and-helplines-30159}

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act, 2013”) is a piece of law that extends coverage to all females, regardless of their age or job status. It requires companies to establish Internal Committees (IC) to receive sexual harassment complaints from or on behalf of the harmed women at such workplaces.\footnote{Dr. Baij Nath (2023). Commentary on Law Against Sexual Harassment of Women at Workplace; Whitesmann; pp 37}

Following the POSH Act, 2013, “the University Grants Commission (prevention, Prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulation, 2015” (“UGC Regulations, 2015”) were framed in order to deal with the sexual harassment complaints in universities and colleges
thereunder. However, there is no such enactment or regulation, which could address the specific needs of schoolchildren in India.

The Central Board of Secondary Education (CBSE) has taken a number of steps and actions to raise awareness about sexual exploitation among students in order to ensure strict compliance with the Protection of Child from Sexual Offence (POCSO) Act 2012, and has also released a circular. The circular, among other things, calls for the formation of School Complaints Committees, which will act as a body for complaints and dispute resolution and include the Principal/Vice-Principal, one male teacher, one female teacher, one female student, one male student, and one non-teaching staff member. To respond swiftly to reported instances of misbehaviour, an enhanced response mechanism and alert administrative apparatus are needed.

A careful perusal of the above said circular issued by CBSE reveals that there is a need for CBSE to appropriately subsume the spirit especially of Section 19 (1) and Section 21 (2) of the POCSO Act in its policies and circulars in order to demonstrate strict compliance of the Protection of child from sexual offence (POCSO) Act 2012. Similarly, any persons, school and institution in proximate charge of the child must comply with the provisions of the Juvenile Justice Act, which casts absolute responsibility on them not merely to protect children from any form of abuse, harassment, cruelty, bullying or neglect but to prevent exposure of the child to such situations. These steps are considered important by the Authors towards better discharge of responsibility of the CBSE under POCSO Act and Juvenile Justice Act.

Authors deem it important to study applicability of the POSH Act vis-à-vis POCSO Act on the Schools. It is clear the terms Sexual Harassment has been defined under both the Acts, i.e. POSH Act and the POCSO Act. In the POSH Act, it has been defined under Section 2 (n) whereas in the POCSO Act it has been defined under Section 11. The Calcutta High Court has clarified this moot question, as follows: The definition of ‘aggrieved woman’ as defined under Section 2 (a) of the POSH Act may be referred. As per Section 2 (a) an aggrieved woman means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual

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15 Circular issued by CBSE; Available at https://www.cbse.gov.in/cbsenew/Examination_Circular/2015/22_CIRCULAR.pdf
16 Circular issued by CBSE Available at https://www.cbse.gov.in/cbsenew/Examination_Circular/2015/22_CIRCULAR.pdf
17 Pawan Kumar Niroula Vs Union of India and others; In the High Court of Calcutta; civil appellate jurisdiction; WP CT 86 of 2021; decided on 24.01.2022
harassment by the respondent. That being so, the provisions of the POSH Act squarely apply to the students of the schools, as well.\(^{18}\) Thus, notwithstanding any provisions contained under the POCSO Act concerning the definition of “Sexual Harassment”, the extant provisions of POSH Act shall also independently apply to the schools, for redressal of the complaints of sexual harassment in addition to the provisions of POCSO Act.

**6 SCENARIO IN SCHOOLS IN INDIA**

The entire educational system in India is designed to address the needs of the children and teenagers. Therefore, the system must not overlook their needs during this entire process. The system must remain conscious of the safety and rights of these children and adolescents, especially the girl children, as well as the numerous challenging issues that affect them, which inter-alia includes sexual abuse and harassment. The system must also provide clear, safe, and effective mechanisms for reporting and for due process on any violations of children's or adolescents' rights or safety. High importance to be given to the creation of such systems that are efficient, timely, and well known to all the students.\(^{19}\)

In the United States of America, the "Erin's Law" is already in place in 37 States and is still being debated in 13 more States. The efficacy of these programs is evidenced by the fact that the majority of the States have taken steps in preventing sexual abuse as a legal mandate. All the Indian State Boards, the Central Board of Secondary Education (CBSE) and the Indian Certificate of Secondary Education (ICSE), may use Erin's Law as a guiding source in incorporating such program into their respective curriculum.

In a survey\(^ {20}\) as part of OutLawed India’s initiative, to gauge the discrepancy between the law and practice, 200 Indian cities' school sexual assault frameworks were monitored. Students should have a sense of protection and safety when they think of their school. The growing number of student complaints of sexual abuse, however, has disproved this idea. In Chennai alone, there were nearly 200 allegations of sexual harassment against teachers in May 2021. The law on child sexual abuse is called as the Protection of Children from Sexual Offences Act, or POCSO, and it requires everyone to

\(^{18}\) Pawan Kumar Niroula Vs Union of India and others; In the High Court of Calcutta; civil appellate jurisdiction; WP CT 86 of 2021; decided on 24.01.2022

\(^{19}\) National Education Policy, 2020; para 8.12

\(^{20}\) Vibha Nadig, Jwalika Balaji (09.03.2022); Majority of Indian schools don’t have means to prevent, combat child sexual abuse; Available at https://theprint.in/opinion/majority-of-indian-schools-dont-have-means-to-prevent-combat-child-sexual-abuse-survey-finds/864776/
report any suspicion of child sexual abuse to the authorities. This has ramifications for schools as well, who should notify the police of such accusations. In order to gauge the disconnect between the law and reality, the sexual abuse frameworks in schools was tracked as part of Project Safe Schools, as an initiative of OutLawed India. An online survey was launched and responses of students from 1,635 schools across 200 cities in India were collected. The inquiries addressed the topics such as anti-sexual abuse workshops, POCSO awareness, teacher training initiatives, and official processes for handling sexual offences in schools by creating committees (dubbed "Sexual Harassment Committees"). According to the poll, the majority of the sampled schools are ill-prepared to handle child sexual abuse.

Kerala High Court\(^21\), invoking its authority under Article 226 of the Constitution, issued directions to the State of Kerala, the Central Board of Secondary Education, and the Kerala State Legal Services Authority for laying the groundwork for increased knowledge of the laws pertaining to sexual offences in schools in Kerala.

According to Vibha Nadig and Jwalika Balaji (09.03.2022) students should have a sense of protection and safety when they think of their school. The increasing number of student sexual abuse complaints, however, has disproved this idea. In Chennai alone, there were more than 200 allegations of sexual assault of students by teachers in May 2021. Sexual assault in schools is not a recent occurrence, despite the fact that the sheer number of incidents made headlines. The most comprehensive piece of legislation on child sexual abuse is the Protection of Children from Sexual Offences Act of 2012 (POCSO), which requires anybody with suspicion of child sexual abuse to report it to the police. The need to disclose such accusations to the police has repercussions for schools as well.\(^22\)

It is an area of huge concern that many schools discourage reporting the matters relating to sexual abuse of their students to avoid any reputational damage. Study conducted by Sadaf Modak (31.01.2020) would be relevant here. According to the study, a special court sentenced a school van driver to 10 years in prison for raping a 6-year-old.

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\(^21\) Anoop vs State of Kerala; High Court of Kerala at Ernakulam; Crime No.123/2022; decided on 26.08.2022
\(^22\) Vibha Nadig and Jwalika Balaji (09.03.2022); Majority of Indian schools don’t have means to prevent, combat child sexual abuse, survey finds; available at https://theprint.in/opinion/majority-of-indian-schools-dont-have-means-to-prevent-combat-child-sexual-abuse-survey-finds/864776/
kid at a school in the city's western suburbs in 2016. The study notes that schools seldom report incidents of child sexual assault on students to avoid stigma and disrepute.\(^{23}\)

Students are discouraged from complaining because they are afraid of obtaining a bad reputation, alienating others, and worrying about what the teacher or authorities would do.\(^{24}\) Such unpleasant situations could be reduced to some extent by installing CCTV cameras in classrooms and having active student counsellors. Our issues can be raised with higher authorities by student counsellors. The experience of pupils in classrooms should be discussed during parent-teacher conferences as well. The primary objective of the school should be to create a safe atmosphere for the pupils. Child victimization, stigmatization, or shaming will result in legal consequences.\(^{25}\)

According to a survey by the children's charity of Nobel laureate Kailash Satyarthi, the number of investigating agencies or courts has not changed despite a 34% increase in the reporting of sexual offences against minors over the past three years. According to a survey by the children's charity of Nobel laureate Kailash Satyarthi, the number of investigating agencies or courts has not changed despite a 34% increase in the reporting of sexual offences against minors over the past three years.\(^{26}\)

A 2017 research by the National Commission for Protection of Child Rights (NCPCR) found that 53% of children surveyed said they had experienced.\(^{27}\)

Introspection is necessary in light of the disturbing increase in sexual assaults against schoolchildren. The perpetrators are frequently young people. Young children commit these crimes for a variety of reasons, including premeditated crimes, the natural inquisitiveness of puberty, and those that result from romantic relationships. The assumption that the permission of both partners is sufficient to exonerate the perpetrators

\(^{23}\) Sadaf Modak (31.01.2020); Schools ‘rarely report’ child sexual abuse to avoid stigma, says Mumbai court; available at https://indianexpress.com/article/cities/mumbai/mumbai-school-van-driver-rape-student-court-child-sexual-abuse-6243417/


\(^{26}\) Chitrali Ghatak, edited by Aysha (05.02 2019); Are children safe in schools across the country?; available at https://www.indiatoday.in/education-today/featurephilia/story/are-children-safe-in-schools-across-the-country-1448537-2019-02-05

\(^{27}\) Chitrali Ghatak, edited by Aysha (05.02 2019); Are children safe in schools across the country?; available at https://www.indiatoday.in/education-today/featurephilia/story/are-children-safe-in-schools-across-the-country-1448537-2019-02-05
of the sexual acts occurs occasionally. By the time they realise their presumptions were incorrect, it is already too late and the situation has turned toxic, producing outcomes that are beyond the scope of any corrective action.28

7 PREVENTIVE STEPS

As per WHO29, a multisector strategy is needed to prevent child abuse and respond to it. The benefits to the kid (such as cognitive development, behavioural and social competence, educational success) and to society are greater when such interventions occur earlier in children's lives (e.g. reduced delinquency and crime). Effective and promising interventions shall include:

a) Education and life skills approaches:

i. Increasing enrolment in quality education to allow children acquire knowledge, skills and experiences that build resilience and reduce risk factors for violence

ii. Programs to prevent sexual abuse that build awareness and teach skills to help children and adolescents understand consent, avoid and prevent sexual abuse and exploitation, and to seek help and support

iii. Interventions to build a positive school climate and violence-free environment, and strengthening relationships between students, teachers, and administrators

b) Implementation and enforcement of laws: laws to prohibit violent punishment and to protect children from sexual abuse and exploitation.

c) Response and support services: Early case recognition coupled with ongoing care of child victims and families to help reduce reoccurrence of maltreatment and lessen its consequences.

Article contributed by Mayo Clinic Staff 30 provides yet another dimension to this study. The report recommends, among other things, taking significant measures to safeguard the kid from exploitation and child abuse as well as to stop child abuse in the home and community. The objective is to give children relationships that are secure, dependable, and nurturing:

a) Active supervision. Never leave a young child unattended at home.

When you're out in public, keep a tight eye on your kid. Volunteering at events

28 Anoop vs State of Kerala; High Court of Kerala at Ernakulam; Crime No.123/2022; decided on 26.08.2022
29 WHO: Child maltreatment (19 September 2022); Available at https://www.who.int/news-room/fact-sheets/detail/child-maltreatment
30 By Mayo Clinic Staff; Child Abuse; available at https://www.mayoclinic.org/diseases-conditions/child-abuse/symptoms-causes/syc-20370864
and at the school will help you get to know the people who will be spending time with your child. Encourage your child to avoid meeting new people and to spend time with friends rather than alone when they are old enough to leave the house unsupervised. Make it a rule that your child must always let you know where they are. Find out who is watching over your child, for instance, if they are at a sleepover.

b) Know child's caregivers. Check the references of babysitters and other carers. Make irregular but recurrent unannounced visits to check on things. Don't let the replacement take the place of your regular daycare provider if you don't know them.

c) Emphasize when to say no. Make sure your child understands that they are not obligated to do anything that seems scary or disturbing. Encourage your youngster to leave a scary or dangerous situation right away and seek help from an adult immediately. If something happens, encourage your child to talk to you or another trustworthy adult. Assure your youngster that speaking is appropriate and that they won't be punished for doing so.

d) Teach the child how to stay safe online. Put the computer in a common area of the house rather than the kid's room. Use the parental settings to restrict the types of websites your child may access. Check the privacy settings on your child's social networking accounts. Consider it a red flag if your youngster is secretive about their online activities.

e) Talk about both unsafe touch and behavior. Gaining the child's trust is the abuser's initial step. Their initial contact might not be on child’s private body parts. He does not have to touch the child directly. He may display a video clip in which bodily parts are revealed, etc. The child's feelings at that time—whether they are ones of safety or danger—are what we need to concentrate on.

f) It is crucial to concentrate on both inappropriate behaviour and touch. The distinction between excellent and bad touch should not be viewed as being absolute. You can see that caressing your chest or the area in between your thighs is bad touch if you watch the good touch-bad touch films. However, the child
becomes perplexed when someone stands so that they brush against their chest. We need to help them realise that nothing that disturbs them is intended to occur.  

8 ROLE OF THE PARENTS

It's critical to have candid discussions with family members. Typically, kids won't lie about being sexually abused because it's a delicate subject. They would only reveal themselves after giving it considerable thought. Therefore, quietly hear what they have to say and express your gratitude for them sharing it with you. Also, assure the youngster that you will take all necessary steps to keep him or her safe. Afterward, raise it with the authorities. If other parents' children are speaking out about the same person, you can ask them. Parents should be receptive to home dialogues if they want their children to open up. The amount of openness parents exhibit at home influences how long it takes children to open up. It's crucial to understand one's body, sexuality, safety, boundaries, and permission. Each of these is a component of sex education. I believe that if conversations regarding private parts can occur in the privacy of one's own house, then any topic can be discussed. That breaks the ice.

8.1 HOW PARENTS CAN HELP THEIR CHILD

a) Provide age-appropriate sex education, emphasizing the proper biological terminology. Create an environment to have open conversations at home
b) Parents should pay attention to their child's body language. Observe whether the child feels uneasy with other people.
c) When your child approaches you with a concern, you should trust them.
d) Make them aware of the inappropriate behaviour
e) Assure your child of his or her safety.
f) Report any instances of abuse to the appropriate authorities.

9 CHILD HELP-LINE

In the United States, you can get information and assistance by calling or texting the Child help via National Child Abuse Hotline: 1-800-4-A-CHILD (1-800-422-4453). The Government of India has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the POSH Act, 2013) with the objective to create a safe and secure workplace for women free from sexual harassment. This Act caters to women working both in organized and unorganized sector and establishes a redressal mechanism for the disposal of their complaints. To facilitate e-filing of the complaints under the POSH Ac, 2013, GoI has created a She Box. The Government of India (GoI) has provided a single point of access in the form of a Sexual Harassment Electronic Box (SHe-Box), to enable the aggrieved women to make a complaint about sexual harassment. Through this platform, any woman who has experienced sexual harassment at work can file a complaint. When a complaint is made using the "SHe-Box," it is immediately forwarded to the relevant authority with the authority to investigate the situation.

On similar lines, an electronic portal may be dedicated for the purpose of filing of complaints under Child Sexual Abuse also, to provide a single window access to every child or to any third person on behalf of the child, to facilitate the registration of complaint related to sexual abuse. Any complaint of Child Sexual Abuse can be registered through this portal. Once a complaint is submitted to this portal, it will be directly sent to the concerned authority having jurisdiction to take action into the matter.

11 A FIELD STUDY ON CHILD SEXUAL ABUSE IN SCHOOLS
11.1 INTRODUCTION

According to one study, the students should have a sense of protection and safety when they think of their school. However, the growing number of student complaints of sexual abuse, has disproved this idea.

Sexual abuse is widespread throughout the schools. It has a bearing and telling effect on the students, parents & faculty in particular and the school in general. The aim

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33 Vibha Nadig, Jwalia Balaji (09.03.2022); Majority of Indian schools don’t have means to prevent, combat child sexual abuse; available at https://theprint.in/opinion/majority-of-indian-schools-dont-have-means-to-prevent-combat-child-sexual-abuse-survey-finds/864776/
of this study is to examine and study the scenario prevailing in various schools in India and to arrive at an outcome thereon.

11.2 RESEARCH QUESTIONS

In this light, the Researcher conducted a field study during the year 2022, using Google forms among current and former students of schools across India, in order to understand the prevalence of sexual abuse in schools. A questionnaire was developed based on the various challenges envisaged, inter-alia, as follows:

a) Did you observe any incident of sexual abuse of students in your school?
b) Did your school share information regarding 'Guidelines on School Safety and Security-2021', developed by Ministry of Education, Government of India for fixing the accountability of the School Management in the matter of Safety and Security of Children studying in Schools?
c) Has your school shared information with you regarding POCSO Act, 2012?
d) Are you aware of any circular issued by the concerned regulatory authority of your school to take initiative and actions for creating awareness among children against sexual offences under POCSO Act, 2012?
e) Does your school have any mechanism in place to redress grievances regarding sexual abuse of students?
f) Does your school have a committee in place to redress grievances regarding sexual abuse of students?
g) Have your school constituted a Grievance Committee on Child Sexual Abuse (CSA) under section 19 of POCSO Act, 2012?
h) Have your school constituted an Anti-Bullying Committee?
i) Does your school discourage students to report their grievance regarding sexual abuse of students?
j) Does your school impart training to staff and teachers regarding prevention of sexual abuse of students?
k) Does your school organize sensitization programs for staff and teachers regarding prevention of sexual abuse of students?
1) Does your school organize workshops to create awareness among the students, staff, teachers and parents regarding prevention of sexual abuse of students?

11.3 RESEARCH METHODOLOGY

The study relies on the doctrinal methods as well as field study. The material has been gathered from various enactments and different Landmark Judgments, case laws decided by the different Courts, relevant books, Articles, research papers, reports etc.

11.4 UNIVERSE OF STUDY

For the purpose of this study, ‘Universe’ refers to the students who have studied or who have been presently studying and the faculties in schools across length and breadth of India. Option was given to the parents to fill up response pertaining to their child, in situations where it was difficult for a student to provide an objective response. However, keeping in view the financial constraints, the scope of the present research has been limited to using Google Forms, which was convenient for the researcher to invoke for data collection from various students across several Indian states. An attempt has been made to extract ground realities concerning scenario prevailing in schools arising from sexual abuse. With this aim, the target population irrespective of their age includes female students and Male students all of them who have studied or are studying in schools, whether privately run or Government run, including faculties across genders.

11.5 THE SAMPLE AND SAMPLING DESIGN

In this study, random sampling has been used to select the respondents. It is because sexual abuse largely refers to the perception of the aggrieved rather than findings its prevalence as per the literal definitions. Therefore, to carry out a study like this, it is not necessary to select only those respondents who have themselves been the victims of sexual abuse; rather the perception of those shall also be equally important who have witnessed such scenario from a distance. Thus, requisite efforts have been made to give good regard to various demographic characteristics of the respondents such as specific gender of the respondent and the type of institution (privately run or government run) they belong to. A total of 81 responses were received.
11.6 ANALYSIS

The age wise and gender wise spread of the respondents is contained under Pie Chart 1 and 2, respectively. The gender wise break-up of the respondents was 43.2% females and 56.8% males.

Chart 1. Age-wise participation of Respondents

Age
80 responses

91.3%

Source: Prepared by the authors.

Chart 2. Gender-wise representation of Respondents.

Gender
81 responses

43.2%

56.8%

Source: Prepared by the authors.

11.7 PREVALENCE OF CASES OF SEXUAL HARASSMENT IN INSTITUTIONS

To study about prevalence of sexual abuse cases in schools, the respondents were asked whether they have heard about cases of sexual harassment in their institutions.
18.8% of the respondents confirmed having heard about such cases in their institutions while 72.5% gave an opposite feedback and 8.8% of the respondents were having no idea about it. (Pie Chart-3)

![Chart 3. Did you observe any incident of sexual abuse of students in your school? 80 responses](image)

Our data shows us that 35.4% of schools have definitely shared information regarding 'Guidelines on School Safety and Security-2021', developed by Ministry of Education, Government of India for fixing the accountability of the School Management in the matter of Safety and Security of Children studying in Schools. However, 43% of the respondents denied it and 21.5% of the respondents says that they never heard about any such information. (Pie Chart-4)

![Chart 4. Did your school share information regarding 'Guidelines on School Safety and Security-2021', developed by Ministry of Education, Government of India for fixing the accountability of the School Management in the matter of Safety and Security of Children studying in Schools? 79 responses](image)
The study reveals that 35.8% of schools have shared information regarding POCSO Act, 2012. However, 55.6% of the respondents denied it and 8.6% of the respondents says that they never heard about any such information. (Pie Chart-5)

Chart 5. Has your school shared information with you regarding POCSO Act, 2012?
81 responses

Source: Prepared by the authors.

In this study, 45.7% of the respondents have confirmed that there schools have shared information regarding circular issued by the concerned regulatory authority to take initiative and actions for creating awareness among children against sexual offences under POCSO Act, 2012. However, an almost equal 43.2% of the respondents denied it and 11.1% of the respondents says that they never heard about any such information. The study is, therefore conclusive that only 46% of the schools paid regard to this responsibility. (Pie Chart-6)

Chart 6. Are you aware of any circular issued by the concerned regulatory authority of your school to take initiative and actions for creating awareness among children against sexual offences under POCSO Act, 2012?
81 responses

Source: Prepared by the authors.
An analysis of responses reveals that most of the schools do not have any such mechanism in place. The study reveals that 40.7% of the respondents have confirmed that their school have any mechanism in place to redress grievances regarding sexual abuse of students. However, not only 38.3% of the respondents denied it but 21% of the respondents says that they never heard about any such mechanism. The study is, therefore conclusive that only 41% of the schools paid regard to this responsibility. (Pie Chart-7)

Chart 7. Does your school have any mechanism in place to redress grievances regarding sexual abuse of students?
81 responses

Source: Prepared by the authors.

This question was asked as a corollary to the preceding question. The study reveals that most of the schools do not have any such committee in place. Thus, the outcome of this question is not in contradiction to the earlier question. The study reveals that only 42% of the respondents have confirmed that their school have any committee in place to redress grievances regarding sexual abuse of students. However, not only 43.2% of the respondents denied it but 14.8% of the respondents says that they never heard about any such mechanism. The study is, therefore conclusive that merely 42% of the schools paid regard to this responsibility. (Pie Chart-8)
Chart 8. Does your school have a committee in place to redress grievances regarding sexual abuse of students?

81 responses

- Yes: 42%
- No: 14.8%
- Never Heard: 43.2%

Source: Prepared by the authors.

This question was asked as a sequel to the immediately preceding two questions. The study reveals that almost 84% of the schools constituted a Grievance Committee on Child Sexual Abuse (CSA) under section 19 of POCSO Act, 2012. Thus, the outcome of this question is not in contradiction to the earlier question in regard to lackadaisical approach of the schools. The study reveals that merely 16% of the respondents have confirmed that their school have constituted a Grievance Committee on Child Sexual Abuse (CSA) under section 19 of POCSO Act, 2012. However, not only 49.4% of the respondents denied it but 34.6% of the respondents says that they never heard about any such thing. The study is, therefore conclusive that merely 16% of the schools paid regard to this responsibility. (Pie Chart-9)

Chart 9. Have your school constituted a Grievance Committee on Child Sexual Abuse (CSA) under section 19 of POCSO Act, 2012?

81 responses

- Yes: 34.6%
- No: 49.4%
- Never Heard: 16%

Source: Prepared by the authors.
The study reveals that almost 55% of the schools have constituted an Anti-Bullying Committee. The study reveals that 54.3% of the respondents have confirmed that their school have constituted an Anti-Bullying Committee. However, 34.6% of the respondents denied it while 11.1% of the respondents says that they never heard about any such thing. (Pie Chart-10)

Chart 10. Have your school constituted an Anti- Bullying Committee?
81 responses

Source: Prepared by the authors.

The respondents were asked this question to study about attitude of the schools towards the complaint filed before their respective schools and its authorities. They were specifically asked whether their school discourage students to report their grievance regarding sexual abuse of students to protect its image. The study revealed that 76.3% of the respondents were of the view that their schools did not discourage filing of their grievance regarding sexual abuse to protect its image; while merely 10% of the respondents gave otherwise responses. The large differences between two groups is seen significant by the researcher. Thus, this was an interesting outcome of this study, which establishes the fact that today’s schools are demonstrating a more positive approach towards encouraging filing of sexual abuse complaints in their schools. (Pie Chart-11)
The respondents were asked whether their school impart training to staff and teachers regarding prevention of sexual abuse of students. Merely 31.3% of the respondents answered favorably while the remaining 68.7% of the respondents denied any training or education imparted prevention of sexual abuse of students. Thus, significant majority of respondents stated that schools were not discharging their responsibility towards this aspect satisfactorily. Thus, a complacency was seen on the part of the schools when it comes to discharge of their responsibility towards this aspect. (Pie Chart-12).
In order to assess the present scenario, the respondents were asked a question, “Does your school organize sensitization programs for staff and teachers regarding prevention of sexual abuse of students.” In response significantly 64.1% of the respondents have either stated that their school organize sensitization programs for staff and teachers regarding prevention of sexual abuse of students or have stated that they have never heard any such thing existing in their school. Thus, the study proves that there was an unsatisfactory compliance of this aspect apparently on the part of the schools. (Pie Chart-13).

Chart 13. Does your school organize sensitization programs for staff and teachers regarding prevention of sexual abuse of students?
78 responses

Further, the researcher has looked into the aspect of whether schools organize any workshops to create awareness among the students, staff, teachers and parents regarding prevention of sexual abuse of students. The general pattern of response that emerged from the study was that notwithstanding whatever being done, there is an alarming lack of awareness regarding prevention of sexual abuse of students. Out of the total respondents, 60% of the respondents have confirmed that their school does not organize workshops to create awareness among the students, staff, teachers and parents regarding prevention of sexual abuse of students. The large differences between two groups is seen significant by the researcher. Hence, the outcome is very relevant and credible. (Pie Chart-14).
12 CONCLUSION & SUGGESTIONS

Based on the study, the following conclusions are drawn and suggestions made:

It is an area of huge concern that many schools discourage reporting the matters relating to sexual abuse of their students to avoid any reputational damage.

There is a need for CBSE to appropriately subsume the spirit especially of Section 19 (1) and Section 21 (2) of the POCSO Act in its policies and circulars in order to demonstrate strict compliance of the Protection of child from sexual offence (POCSO) Act 2012.

Any persons, school and institution in proximate charge of the child must comply with the provisions of the Juvenile Justice Act, which casts absolute responsibility on them not merely to protect children from any form of abuse, harassment, cruelty, bullying or neglect but to prevent exposure of the child to such situations.

All the Indian State Boards, the CBSE and ICSE may use Erin's Law as a guiding source in incorporating such program into their respective curriculum.

The system must remain conscious of the safety and rights of these children and adolescents, especially the girl children, as well as the numerous challenging issues that affect them, which inter-alia includes sexual abuse and harassment.

The system must also provide clear, safe, and effective mechanisms for reporting and for due process on any violations of children's or adolescents' rights or safety.

High importance should be given to the creation of such systems that are efficient, timely, and well known to all the students.

The schools should be properly equipped to deal with child sexual abuse...
An electronic portal may be dedicated for the purpose of filing of complaints under Child Sexual Abuse also, to provide a single window access to every child or to any third person on behalf of the child, to facilitate the registration of complaint related to sexual abuse.

Unpleasant situations could be reduced to some extent by installing CCTV cameras in classrooms and having active student counsellors.

Discussions regarding the experiences of the pupils in the classroom should also take place at parent-teacher meetings.

**LIMITATION OF THE STUDY**

This study is primarily based on a field study conducted with the help of a questionnaire. It is entirely based on the views and ideas reflected by the respondents. The accuracy and authenticity of the study depends on the truthfulness of the revelations of the respondents. The results cannot be so accurate if the respondents keep themselves away from speaking the truth. An attempt has been made to extract honest responses from the respondents. However, some limitations of this research are as follows:

a) While the questionnaire has been designed carefully, nevertheless, because of lack of personal meeting with the respondents to clarify doubts, if any, some element of bias might have crept in the questionnaire, which have been placed in public domain via Google Forms;

b) Some of the respondents might not have experienced the sexual abuse. Nevertheless, they might have submitted their responses based on their own perception coming through hearsay;

c) Lack of any financial support.

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