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CHILD SEXUAL ABUSE IN INDIA *

Abstract

Child Sexual Abuse and its post traumatic effects is a serious issue facing by the world at large. In India cases of child sexual abuse had been left unreported, because of the society we live in and because of this children are not given the protective and therapeutic assistance which they need, and hence they are left to suffer unsupported and alone in silence. The trauma associated with it, put a stop in the psychological development of the children. The problem facing by the people of India is the problem of communication, communication about the word sexual abuse, between the parents and the children. Indian laws provide punishment for the perpetrators but it will only happen when any complaint is filed against it. Here in this study the socio-cultured and familial risk factor involved in child sexual abuse are discussed. Common symptoms and disorders associated with sexual abuse are outlined. The rights which our constitution have provided and the remedies which other laws stated are also brought to highlights and what can our government and the society can do to save our children from sexual abuse are also mentioned. Sexual abuse in the form of rape, intercourse, molestation, sodomy, prostitution and production of pornographic material with the school aged children is been a serious issue being faced and whether the victim are only girls or there are boys too? Who has been victimized? Whether the perpetrator are only men or there are women perpetrators too? These are the questions which are studied in this research. There is a glimpse provided about child sexual abuse cases and report of past registered cases, which states the truth. In this regard much more awareness is needed.

IMAGINARY IMAGES TO VIRTUAL REALITY

India, a country where women are prayed and children are blessed, the reality has made the country a hollow bin. Nowadays, children are used as a sex material and child sexual abuse has become the virtual reality. According to the survey conducted by India's ministry of women and child development, 53% of children surveyed, said they had been sexually abused. A total of 33,000 cases were registered under POCSO Act, 2012 against child sexual abuse every year. This is just a data but there are many cases which are left unreported. Rape, sodomy, intercourse, molestation, prostitution, masturbation, production of pornographic material are forms of sexual abuse and

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application of them on person below the age of 18 years is known as CHILD SEXUAL ABUSE (CSA). Child sexual abuse is not one time event, sometimes the abuse continues for years and the child does not know how to face such reality, its kills the entire childhood.

Important definitions

- Rape: Rape, as defined under section 375 of Indian Penal Code.
- Sodomy: Anal or oral copulation with a member of the same or opposite sex; also copulation with an animal.
- Intercourse: Physical sexual contact between individuals that involves genitalia of at least one person, anal intercourse, oral intercourse, especially, sexual intercourse and hetrosexual intercourse.
- Molestation: To make annoying sexual advances to; especially: to force physical and usually sexual contact on.

CHILD SEXUAL ABUSE:

When perpetrator intentionally harm a child physically, psychologically, sexually or by acts of neglect, the crime is known as child sexual abuse (CSA). CSA does not only include physical activity but it can also occur without any physical contact too. Some forms of child sexual abuse are as follows:

- Exhibitionism: Exposing oneself to a child or minor.
- Fondling: To touch someone in sexual way.
- Intercourse
- Masturbation: Masturbation with the minor child, and in front of minor child or forcing minor to masturbate.
- Obscene phone call, text, messages or digital interaction.
- Producing, owning or sharing pornographic image or movies of children.
- Sex of any kind with a minor, including vaginal, oral or anal.
- Sex trafficking.

Perpetrator:

There are two kinds of perpetrator, the unfamiliar perpetrator and the familiar perpetrator. The unfamiliar perpetrator also known as Unknown perpetrator are the uncontrolled type and are less sophisticated. Only 10% of child sexual abusers are the unknown perpetrator. In other cases there are the familiar perpetrator, and in most of the child sexual abuse cases the offender are known person.

- Protector or perpetrator: There are many cases where protector becomes perpetrator. Caretakers, neighbors, police officer whose duty is to protect our society, sometimes become the perpetrator and leave the scar on the society. In Mathura case, where two policemen raped a 14 to 16 year old girl on the compound of Desaiganj police station in Gadchiroli district of Maharashtra. After the Supreme Court acquitted the accused,

there was public outcry and protests, which led to amendments in the Indian Rape Law via The Criminal Law Amendment Act, 1983.

- **Teacher- the wrong doer:** When the one who teaches us the path of right and wrong, does the wrong, there are many cases in India where teacher who is placed above God, mistreat a child and put questions on the safety of school-aged-children. In November 30, 2017 in GD Birla school case, a 4 year old girl child was sexually abused by the PT teacher, who was also known as the 'bad teacher'.
- **Perpetrator in the face of Relative:** In about 30% of cases perpetrators are the relatives, who are close to the child. No one in the family have the hint about this. Usually relatives threaten the child and ask them to keep quiet, to maintain their reputation. Relatives like, uncle, aunt, family friends, etc. are most likely the suspects.
- **Perpetrator in the face of God:** In some cases, single parents either father or mother, step-father or step-mother, or both the parent acting together, sexually abuses their child. In India where parents are placed above the God, does such act of cruelty, is a Shame towards the society.
- **Offender either male or female:** In most of the cases the perpetrator are male but in approximately 7% of cases the perpetrator are female.

Problems: Being faced by the victim and the society

- **Psychological risk factors:** Child sexual abuse has been recognized as a predictor of many physical and psychological problems. Being sexually abuse in such a young age leaves a bad impact on psychological development of a child. Sometimes the abuse continues for the long term, and because of non-communication between the child and the parent, the abuser gets the advantage and continues the offence. This can lead child to the depression, low the self-confidence, emotional distress, and sometimes it lead to suicide. Sometimes the victims get involved in drugs. This research indicates that survivor of child sexual abuse may be at greater risk of engaging in risky behaviors both as adolescents and as adults. Not only girls but also the boys have been the victim of sexual abuse and according to data provided by the national crime record bureau 53% of the victim, are boys.
- **Problem of communication:** The problem of communication between parent and the child is the biggest problem being faced in this matter. Three research questions were raised for the study-
 1. Why do parents show reluctance in communicating with children over 'SEX MATTER'?
 2. Why children sometimes hesitate to tell their parents about the abuse?
 3. Why the children are unable to react against the abuse, at the time of abuse?

There is another factor that is fear of negligence, the children sometimes not tell their parents about the abuse because of psychological behavior, i.e. it's the child's mentality that if they tell their parent about the abuse (which is being occur by their closes friend, family member, or any person who is trust worthy) parents will not believe them, and to maintain that belief children does not speak.

- Physical problems: The victim suffers some physical pain in their body, the female victim sometimes get pregnant at young age, and male victim also faces some injuries on their parts. Sometimes unprotected penetration leads to HIV AIDS, and other sexually transmitted diseases.
- Non-filing of cases: After 2012, number of cases filed under Protection of Children from Sexual Offences (POCSO) Act, 2012 is being increasing day by day. But still there are many cases which have not been registered. In India people hesitate to talk in this matter, and if anything bad happens, they does not report it, to preserve their reputation.
- Double victimization: When a child is sexually abused they often have a feeling of guilt or shame, these feeling can often be perpetuated when the offence is reported, and medical report when declare the true facts, this is known as Double Victimization. This can lead the child to depression or can make them feel guilty.

Remedies

Remedies can be classified in two forms, the curative remedy, which is used to provide proper mental and psychological assistance to the victim and the precautionary remedy, which provide assistance to the child before the abuse.

- Education and Awareness: Education is the solution for mostly all the problems. It is easy to shape a child than to reshape an adult. If we include some chapters of ‘Good touch and Bad touch’ in the syllabus, it will help our children to be aware for such incident. Recently it was added in the syllabus of the children. It is a precautionary type remedy.
- Arranging Workshops for Children: Arranging workshops time to time for children will help them to prevent themselves from this crime, telling them to say ‘NO’, and to act against the offence will give the children, a confidence to fight back. Giving them knowledge about SEX MATTER and the ABUSE, will help them to know what is right and wrong and teach them self-defense.
- Arranging Workshop for Parents: Teaching parents to talk in this matter to their children, and helping them about, how to talk in this matter. Teaching them to trust their child in this matter, not to consider the society. These are also the precautionary remedies.
- Providing Counselling to the victims: This is curative remedy which helps the victim to survive that phase of life. Physical injury can be cured after a while, but to cure the mental injury, counselling plays an important role.
- Remedy against Double Victimization: Lenient procedure should be taken by the police and medical department for examining the victim. This is curative remedy. In India there are laws and policies to provide remedy but proper procedure for implementation of these laws and policies are harsh and slow.
- Child helpline [DIAL-1098]: Child-line India is a project of Ministry of Women and Child Development. Child-line India foundation is a non-government organization (NGO) in India that operates a telephone helpline called Child-line, for children in distress. It was India’s first 24-hour, toll free, phone outreach service for children. Every child should be aware about the child-line and government should do workshops to promote this helpline.

CHILDREN'S RIGHTS

Constitutional rights:

THE CONSTITUTION OF INDIA, 1950 provides the provision for certain rights available to children of India. Article -19, 21, 21A, 23, 24, and 45 provides such rights of freedom, speech, life, health and education. The right to live with human dignity enshrined in Article-21 derives its life breath from the directive principles of state policy and particularly clauses (e) and (f) of Article 39.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012:

Before 2012, there was no specific act that provides remedy to children against sexual assault, after 2012 the POCSO Act, 2012 was enforced. The Parliament of India passed the 'POCSO BILL, 2011 regarding child sexual abuse on 22nd may, 2012 into an Act. The Act provides for the establishment of special courts for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of judicial process. The Act casts a duty on the central and state governments to spread awareness through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act.

Some offences and their punishment against child sexual abuse under POCSO Act:

Section	Offence	Section	Punishment
3	Penetrative Sexual Assault	4	Imprisonment for minimum 5 years which may extend to life imprisonment and shall be liable with fine.
5	Aggravated Penetrative Sexual Assault	6	Rigorous imprisonment for 10 years which may extends to imprisonment for life and shall be liable with fine.
7	Sexual Assault	8	Imprisonment for 3-5 years and shall be liable with fine.
9	Aggravated Sexual Assault	10	Imprisonment for 3 year which may extend to 5 years and shall be liable to fine.
11	Sexual Harassment	12	Imprisonment for term not exceeding 3 years and fine.
13	Using Child for Pornographic Purposes	14	Imprisonment for maximum 5 years and for subsequent conviction it may exceed to 7 years and fine.

There must be laws for justice against child sexual abuse, but for preventing this, there must be made some social campaigns and provisions for providing education, knowledge and awareness in this matter.

Conclusion:

In this research, the researcher has analyze that child sexual abuse can occur when the child are left alone at home, school or playground etc. Preventing child sexual abuse is not simply a matter of parents doing a better job, but rather it is about creating a society which 'DO BETTER'. As for teacher there is need to talk to whole class about appropriate and inappropriate touch. Individuals have to accept personal responsibility for reducing acts of child sexual abuse by providing support to each other and offering protection to all children within their family and their community.

We can see this happen because of lack of education from the parents, school and social media. As for parents it should be their responsibility to talk to child about appropriate and inappropriate touching as young as two or three years of age. This will give them correct words to use if someone is hurting them. The average rate of child sexual abuse is 53%, with the average being 21% of the severe type of sexual abuse and 32% being other type of sexual abuse. Since we know how to lower the number of victims, by educating them shouldn't we make the attempt? It will reduce the behavioral problem and 'acting out' incidents in our schools and make the job of teaching less stressful.

