

# Child sexual abuse: a withered childhood takes away blooming youth

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## **Abstract**

Child abuse is the violation of the basic human rights of the child and is an outcome of a set of inter-related familiar, social, psychological and economic factors. The problem of child abuse and child rights violation is one of the most critical matters on International Human Rights Agenda. Child abuse involves four elements viz., physical abuse, sexual abuse, emotional abuse and neglect. Child Sexual Abuse involves an incident wherein an adult engages a minor in a sexual act or exposes the minor to inappropriate sexual behaviour/material. It may involve any incident wherein a child is coerced into performing any sexual activity by another child. It may involve use of threats and physical force but usually involves subtle forms of manipulation in which the child is coerced into believing that the activity is an expression of love. Child Sexual Abuse is detrimental to a child's mental, emotional or physical welfare. Disbelief and blame compound the negative effects. It could trigger future violent behaviour resulting in criminal convictions, psychosomatic responses, psychiatric disorders, long-lasting emotional problems, youth suicide, regression, sleeping and eating disorders, lack of self-esteem, nightmares, mutilation, self-hatred, promiscuous behaviour, aggression, sexual difficulties, inability to form lasting relationships, lack of self-confidence, marital problems and poor parenting skills. Physical effects can be headaches, stomach-aches and sleep disturbances. Emotional effects include depression, fear, anxiety, anger and shame. Lets we pledge for taking an effective steps to save the blooming childhood of every child.

**Key Words:** *Child Sexual Abuse, Tragic rape cases involving minors, Penal Provisions under Indian Laws, The Protection of Children from Sexual Offences Act, 2012, Amendments in Indian Penal Code, 2018, Effects of rape on girl child.*

## **1. Introduction**

Child rights and child abuse are very complex and multidimensional concepts which require an

understanding of child from different backgrounds and situations. Child abuse is the violation of the basic human rights of the child and is an outcome of a set of inter-related familiar, social, psychological and economic factors. The problem of child abuse and child rights violation is one of the most critical matters on International Human Rights Agenda. According to World Health Organisation child abuse or maltreatment constitutes all forms of physical and emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Child abuse which is normally understood as sexual abuse, today exist in various forms, such as physical abuse, psychological or emotional abuse, neglect and negligence of child etc.<sup>1</sup>

Historically, child sexual abuse (CSA) has been a hidden problem in India, largely ignored in public discourse and by the criminal justice system. Until recently, CSA was not acknowledged as a criminal offence; rape was the main, if not the only, specific sexual offence against children recognised by law in India. In the absence of specific legislation, a range of offensive behaviours such as child sexual assault (not amounting to rape), harassment, and exploitation for pornography were never legally sanctioned.<sup>2</sup>

The Standing Committee on Sexually Abused Children has defined Child Sexual Abuse as: 'any child below the age of consent may be deemed to have been sexually abused when a sexually mature person has by design or by neglect of their usual societal or specific responsibilities in relation to the

<sup>1</sup> Khan, Nuzhat Parveen, *Child Rights and The Law*, 2012, Universal Law Publishing Co., New Delhi, India, p. 01.

<sup>2</sup> Belur Jyoti and Brijesh Bahadur Singh, Child sexual abuse and the law in India: A Commentary, (2015) *Crime Science*, p 01. <https://crimesciencejournal.springeropen.com/articles/10.1186/s40163-015-0037-2> retrieved on May 2, 2018.

child engaged or permitted engagement of that child in activity of a sexual nature, which is intended to lead to the sexual gratification of the sexually mature person.<sup>1</sup> The addition to the definition of penetrative assault has increased the cover of protection for children.<sup>2</sup>

Unless otherwise legally provided, the term child usually refers to a person less than eighteen years including adults apart from minors. A person, who is of immature intellect and imperfect discretion, is unable to foresee and comprehend the consequences of his own act. Child abuse involves four elements viz., physical abuse, sexual abuse, emotional abuse and neglect. CSA involves an incident wherein an adult engages a minor in a sexual act or exposes the minor to inappropriate sexual behaviour/material. It may involve any incident wherein a child is coerced into performing any sexual activity by another child. It may involve use of threats and physical force but usually involves subtle forms of manipulation in which the child is coerced into believing that the activity is an expression of love. CSA does not mandate physical contact between a perpetrator and a child. Some usual forms of CSA include obscene phone calls, text messages or digital interaction, fondling, exhibitionism or exposing oneself (indecent exposure of genitals) to a minor, masturbation in the presence of a minor or forcing the minor to masturbate, intercourse; sex of any kind with a minor including vaginal, oral or anal; producing, owning or sharing pornographic images/movies of children; sex trafficking; asking or pressuring a child to engage in sexual activities; displaying pornography to a child; physical contact with the child's genitals or viewing child's genitals without physical contact; sexual molestation involving kissing, sexual innuendo, verbal sexual abuse, rape by penile penetration for both heterosexuals and homosexuals; incest; prostitution of children as part of commercial sexual exploitation; sex tourism, involving children; molestation at the time of toileting and meeting bathing needs of the child by the father. CSA is involvement of dependent developmentally immature children and adolescents in incomprehensible sexual activities to which they are unable to give informed consent. It violates the

<sup>1</sup> Bajpai, Asha, *Child Rights in India: Law, Policy and Practice*, 2004, Oxford University Press, p. 207.

<sup>2</sup> Belur Jyoti and Brijesh Bahadur Singh, Child sexual abuse and the law in India: A Commentary, (2015) *Crime Science*, pp. 02,03.  
<https://crimesciencejournal.springeropen.com/articles/10.1186/s40163-015-0037-2> retrieved on May 2, 2018.

social taboos of social roles and aims at gratifying the sexual demands and wishes of the abuser.<sup>3</sup>

CSA is detrimental to a child's mental, emotional or physical welfare. Disbelief and blame compound the negative effects. It could trigger future violent behaviour resulting in criminal convictions, psychosomatic responses, psychiatric disorders, long-lasting emotional problems, youth suicide, regression, sleeping and eating disorders, lack of self-esteem, nightmares, mutilation, self-hatred, promiscuous behaviour, aggression, sexual difficulties, inability to form lasting relationships, lack of self-confidence, marital problems and poor parenting skills. Physical effects can be headaches, stomach-aches and sleep disturbances. Emotional effects include depression, fear, anxiety, anger and shame. There might also be behavioural problems which include withdrawal, aggression and inappropriate sexual behavior.<sup>4</sup>

The records show that while in 2015, 10854 cases of rape under Section 376 of Indian Penal Code, 1860 and under Sections 4 and 6 of The Protection of Children Against Sexual Offences (posco) Act were registered in India and in 2016, 19,765 of such cases were registered. Mostly numbers of minor rape cases were reported in Madhya Pradesh (2,467), Maharashtra (2,292), Uttar Pradesh (2,115), Odisha (1,258) and Tamil Nadu (1, 169) in 2016.<sup>5</sup>

### Here the most tragic rape cases involving minors in 2018.

#### Kathua Rape Case<sup>6</sup>:

The eight year old girl, who was brutally gangraped by eight different men in a temple in Kathua, belonged to the Muslim Bkaerwals community. She was reportedly held for days in the temple and raped,

<sup>3</sup> Vishwanath, Jyothi, "Legal Framework Concerning Child Sexual Abuse In India -A Critical Assessment," *Journal On Rights Of The Child*, National Law University Odisha, Cuttack, Volume 1:1 (2016), pp. 20,21.  
<http://nluo.ac.in/wp-content/uploads/Journal-on-the-Rights-of-the-Child.pdf> retrieved on May 2, 2018.

<sup>4</sup> Vishwanath, Jyothi, "Legal Framework Concerning Child Sexual Abuse In India -A Critical Assessment," *Journal On Rights Of The Child*, National Law University Odisha, Cuttack, Volume 1:1 (2016), pp. 22,23.  
<http://nluo.ac.in/wp-content/uploads/Journal-on-the-Rights-of-the-Child.pdf> retrieved on May 2, 2018.

<sup>5</sup> <https://www.thequint.com/voices/opinion/minor-rapes-in-india-data> retrieved on May 12, 2018.

<sup>6</sup> <https://www.thequint.com/voices/opinion/minor-rapes-in-india-data> retrieved on May 12, 2018.

in what appears to have been an effort to drive out the remaining members of the community from the region. According to National Crime Record Bureau's data, the state of Jammu and Kashmir did not report any case of rape against children in 2015. With the Kathua rape and murder case having led to an outburst of protests across the country, the reality of the extreme and unsafe character of the state for its children has come to the forefront.

#### **Jind Rape Case<sup>1</sup>:**

Earlier in January, the body of a 15 year old girl from Jind Haryana, who had been missing for three months was found in the village of Jhansa. Medical reports showed that she had been brutally gangraped and her private parts had been mutilated. While the main suspect was an 18 year old boy from the village, who she had reportedly known, the suspect in question was found dead a few days later, from the Bhakra canal in Karnal. Haryana, a state known to be unsafe for women and children, had reported a total of 224 minor rape cases in 2015.

#### **Panipat Rape Case<sup>2</sup>**

Another incident of terrifying rape of a minor in Haryana took place in the city of Panipat, where an 11 year old girl was raped and murdered by two of her neighbours, who reportedly committed necrophilia after they had murdered her. While two accused in the case, Pardeep Kumar (27) and Sagar (22) had been arrested by the police, after they had confessed to raping, murdering and performing sexual intercourse on the corpse, the occurrence of a second rape of a minor, days within the incident in Jind, suggests that the rate of such instances has incurred a sharp rise in past two years.

#### **13 year old raped 9 year old in Uttar Pradesh<sup>3</sup>**

This is even more shocking that a 13 year old boy allegedly raped a nine year old girl at his home in Mainpuri, Uttar Pradesh. The boy had reportedly lured the girl with a silver ring. According to police the alleged rape was committed on Wednesday when the girl was alone at home. The suspect had lured her to his house and committed the crime.

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<https://www.thequint.com/voices/opinion/minor-rapes-in-india-data> retrieved on May 12, 2018.

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<https://www.thequint.com/voices/opinion/minor-rapes-in-india-data> retrieved on May 12, 2018.

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<https://www.indiatimes.com/news/india/6-horrendous-rape-cases-in-2018-so-far-show-that-minors-are-biggest-victims-of-sexual-assaults-343892.html> retrieved on May 12, 2018.

#### **10 year old raped and killed in Chhattisgarh<sup>4</sup>**

A 25 year old man raped and then killed a 10 year old in Chhattisgarh during a wedding. Police said the 25 year-old accused, who has been arrested, admitted to have raped and killed the child by smashing her head with a stone. Finding everyone involved in the wedding, he lured the girl away and committed the crime. The body of the child was found dumped in a dry riverbed in the village.

#### **11 year old raped in Assam<sup>5</sup>**

In Nagaon district in Assam, an 11 year old girl was raped and then burnt alive, an entire village came together to help the police catch the accused. A 21 year- ld and two minor boys from the same village have already been arrested. At Lalung Gaon, 150 kilometres from state capital Guwahati, the girl who was all alone at home was raped on March 23, 2018. Girl's mother alleged that she and her husband were working in the field when villagers started calling us. She claimed that when they came home and saw their daughter was almost completely burnt.

#### **4 month old baby raped in Indore<sup>6</sup>**

What was her fault? Was she wearing revealing clothes? Or did she invite rape? A four month old baby was raped and murdered in the Rajwada area. The infant's body was found in the basement area of the heritage Shiv Vilas Palace, blood smears on the stairs telling a horror story. Hardened policemen were nearly moved to tears as they conducted a preliminary examination of the ravaged body and carried it away in a little bundle. A suspect, a member of the family, is in custody.

A 2017 report by Global Peace Index had claimed India to be the fourth most dangerous country for women travelers. Gender Vulnerability Index 2017 compiled by Ministry of Women and Child Development found Bihar, Delhi, Uttar Pradesh and Jharkhand to be the bottom four in terms

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<https://www.ndtv.com/india-news/10-year-old-girl-raped-head-smashed-with-stone-in-chhattisgarh-village-1840043> retrieved on May 12, 2018.

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<https://www.newstimespost.com/english/storypost/opinion/six-horrendous-rape-cases-where-minors-are-the-victims/> retrieved on May 12, 2018.

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<https://www.newstimespost.com/english/storypost/opinion/six-horrendous-rape-cases-where-minors-are-the-victims/> retrieved on May 12, 2018.

of safety. The data highlight the urgent need to ensure proper law and order situation in the country.<sup>1</sup>

### Penal Provisions under different Indian Laws

After discussing about Child Sexual Abuse and various brutal incidents against minor children, the researcher would like to discuss briefly various penal provisions prescribed under various Indian laws in order to punish the accused persons who commit crimes against minor children. These laws are as following:-

### The Protection of Children from Sexual Offences Act, 2012

POCSO Act, 2012 does not use the term ‘rape’ more commonly used and also does not confine penetrative sex to penile penetration. Instead, it broadens the offence termed ‘penetrative sexual assault’ (section 3) to include oral sex, as well as, insertion of any object into anus, mouth or vagina, in addition to penile penetrative sex. In *State vs Pankaj Choudhary 2011*, (pre-POCSO) the accused could only be prosecuted for ‘outraging the modesty of a woman’ for digital penetration of the anus and vagina of a 5 year old child. The prosecution was unsuccessful in proving rape as the High Court ruled that digital penetration was not recognised as an offence under the India Penal Code. Furthermore, India’s vast population of children is susceptible to various kinds of maltreatment.<sup>2</sup>

Prior to POCSO Act, 2012, the legal position concerning CSA was precarious. CSA cases had to be inevitably dealt under Section 354, Indian Penal Code, 1860 which had to be stretched to include indecent assault on minor for outraging modesty of the child; Section 375-376, Indian Penal Code, 1860 dealing with rape of women and minors and Section 377 dealing with unnatural offences. This caused great injustice to the child victims since these provisions suit the adult victims. Prevention of Immoral Traffic Act, 1956 focused on organised racket of prostitution and only dealt with the isolated cases of CSA. National Plan of Action for Children,

2005 incorporated many provisions for protecting children against trafficking, sexual abuse and pornography. National Policy for Children, obligates the State to protect all children from all forms of abuse, sexual exploitation, sale or trafficking, pornography. The major breakthrough came in the form of POCSO Act, 2012 since it comprehensively provides for protection of children from offences of sexual assault, sexual harassment and pornography. Simultaneously, it also attempts to safeguard the interests of the child at every stage of the judicial process by incorporating child friendly mechanisms for reporting and recording of evidence; investigation and speedy trial of offences through designated Special Courts.<sup>3</sup>

### Punishments under The Protection of Children From Sexual Offences Act, 2012

Section	Offence	Punishment
Section 4	Penetrative sexual assault	7 years to imprisonment to life
Section 6	Aggravated penetrative	10 years to imprisonment to life
Section 8	Sexual assault	3 to 5 years
Section 10	Aggravated sexual assault	5 to 7 years
Section 12	Sexual harassment of a Child	3 years
Section 14(2)	Use of child for pornographic purposes	5 years and in case of subsequent conviction, 7 years
Section 14(2)	If along with Pornographic acts offence committed under Section 3	10 years to life imprisonment
Section 14(3)	If person using child for pornographic purposes and commits offence under Section 5	Rigorous life imprisonment
Section 14(4)	If person using child for pornographic purposes and commits offence under Section 7	6 years to 8 years
Section 14(5)	If person using child for pornographic purposes and commits offence under Section 7	8 years to ten years

Source:- The Protection of Children From Sexual Offences Act, 2012.

<sup>1</sup> Crimes in India rise in 2018 as compared to last year; murder, rapes see a spike, says this report <https://www.financialexpress.com/india-news/crimes-in-india-rise-in-2018-as-compared-to-last-year-murder-rapes-e-a-spike-says-this-report/1080222/> retrieved on May 12, 2018.

<sup>2</sup> Bleur, Jyoti and Singh, Brijesh Bahadur, “Child Sexual Abuse and law in India: A Commentary,” *Crime Science, A Springer Open Journal*, (2015) pp. 02,03. <https://link.springer.com/article/10.1186/s40163-015-0037-2> retrieved on May 15, 2016.

<sup>3</sup> Vishwanath, Jyothi, “Legal Framework Concerning Child Sexual Abuse In India -A Critical Assessment,” *Journal On Rights Of The Child*, National Law University Odisha, Cuttack, Volume 1:1 (2016), P. 25, 26. <http://nluo.ac.in/wp-content/uploads/Journal-on-the-Rights-of-the-Child.pdf> retrieved on May 15, 2016.

## Amendments in Indian Penal Code, 1860 in 2018

Section	Offence	Punishment
376(1)	Rape	7 to 10 years which may extend to life imprisonment
376(3)	Rape of child below the age of 16 years	20 years to life imprisonment
376 AB	Death of child below the age of 12 years	Death penalty
Section 376DA	gang rape of girl below 16 years	Life imprisonment for remaining of his life
Section 376DB	gang-rape of a girl aged below 12 years	Death penalty

### Amendments in Criminal laws after the Kathua Rape Case of a minor girl child

The Parliament on August 6, 2018 passed the Criminal Law (Amendment) Bill, 2018 which ensures stringent punishment for those convicted of raping girls below 12 years of age. The bill was passed in the Lok Sabha on August 6, 2018, it was unanimously passed in Rajya Sabha by voice vote. The bill will now replace the Criminal Law Ordinance, promulgated by President Ram Nath Kovind on April 22, 2018 after the incident of rape and murder case of a minor girl in Kathua and in Unnao rape case. The proposed bill has prescribed the punishment for rape of a child by categorizing the child into 3 age groups- 12 or below 12 years, 12-16 years and 16 to 18 years. The bill also amends the relevant sections of the IPC, CrPC and POCSO Act.<sup>1</sup>

### Amendments to Indian Penal Code, 1860<sup>2</sup>:

- **Minimum ten years imprisonment for rape:** Section 376(1) IPC sought to be amended to increase the minimum punishment for rape of women from

<sup>1</sup> <https://www.legalbites.in/criminal-law-amendment-bill-2018-child-welfare-legislation/> The Criminal Law (Amendment) Bill, 2018: Child Welfare Legislation retrieved on September 13, 2018.

<sup>2</sup> <https://www.legalbites.in/criminal-law-amendment-bill-2018-child-welfare-legislation/> The Criminal Law (Amendment) Bill, 2018: Child Welfare Legislation retrieved on September 13, 2018.

imprisonment for seven years to imprisonment for ten years. The punishment may extend up to life imprisonment.

- **Minimum twenty years imprisonment for the rape of a child below 16:** Sub-Section (3) sought to be inserted in Section 376 to make rape of girl below the age of 16 years punishable with minimum twenty years of imprisonment. The punishment may extend up to life imprisonment.
- **Death for the rape of a girl aged below 12 years:** Section 376AB sought to be inserted to make rape of a child aged below the age of 12 years punishable with death.
- **Life imprisonment for the gang rape of girl below 16 years:** Section 376DA sought to be inserted to provide for life imprisonment for those involved in gang rape of girl below under age of 16 years. It is also mentioned that life imprisonment shall mean imprisonment for the remainder of the natural life of the convict.
- **Death for gang-rape of a girl aged below 12 years:** Section 376DB sought to be inserted to provide for the death penalty for the gang rape of girl below the age of 12 years.
- Section 228A IPC sought to be amended to include offences under newly inserted Sec.376 (3), 376DA and 376DB under the bar of disclosure of victim's identity.
- Section 166A to be IPC amended to provide for the punishment of public servant failing to register a complaint in cases under newly inserted sections.

### Amendments to Criminal Procedure Code:<sup>3</sup>

- **Speedy Investigation:** Investigation of cases to be completed within two months, as per sub-section (1A) sought to be inserted in Section 173, Cr.PC. and the case should be tried in a fast-track court. Apart from this, only a woman judge will hear the rape case and a woman police officer will record the statement of rape victims.

<sup>3</sup> <https://www.legalbites.in/criminal-law-amendment-bill-2018-child-welfare-legislation/> The Criminal Law (Amendment) Bill, 2018: Child Welfare Legislation retrieved on September 13, 2018.

- **Appeal:** Appeal against a sentence by a trial court must be disposed of within 6 months.
- **No anticipatory bail:** Section 438 CrPC sought to be amended to state that no anticipatory bail can be granted to persons accused under newly inserted offences.
- **Restrictions on regular bail:** Regular bail applications under Section 439 for persons accused under newly inserted offences can be heard only after fifteen days' notice to the public prosecutor.

The First Schedule of Cr.P.C is sought to be amended to clarify that the new offences are non-bailable and cognizable, to be tried by Court of Session. Section 42 of the POCSO Act, 2012 is sought to be amended to clarify that greater amongst the punishments under IPC and POCSO will be applicable for the acts.

After discussing the various provisions the researcher would throw light on effects of rape on the girl child.

### Effects of Rape on the Girl Child

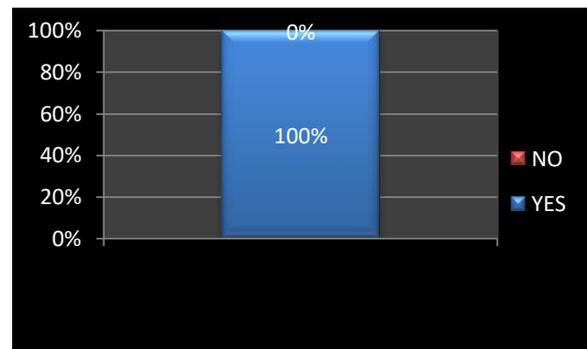
The effect of rape can be traumatizing with a short or long term effect on the victim. According to the long term effects of the rape depends largely on the individual's ego, strength, social support system and the way she was treated as a victim. This depends on the age, size of the child and the degree of the force used. Child sexual abuse may cause internal lacerations and bleeding, in severe cases, damage to the internal organs may occur which in some cases may cause death. Child rape may cause infections and usually sexually transmitted diseases depending on the age of the child, due to lack of sufficient vaginal fluid, chances of infections are higher and vaginitis has been reported by while there may be Neurological damage. According to Ito, research has shown that traumatic stress including stress caused by girl-child rape, causes notable changes in brain functioning and development. It has a deleterious effect on brain development. Psychological effect of rape on girl child that child sexual abuse or rape may result in both short and long term harm including psychopathology in later life. Indicators and effects include depression, anxiety, eating disorder, poor self-esteem and sleep disturbances. Stated that children may exhibit regressive behavior such as thumb sucking or bedwetting, acting out an inappropriate sexual knowledge and interest victim may also withdraw from school and social activities. Exhibiting various learning and behavioural problems including cruelty

to animal, attention deficit/hyper activity disorder, conduct disorder, teenage pregnancy and risky sexual behavior in adolescence.<sup>1</sup>

After discussing the cases of child sexual abuse and laws to prevent such crimes against children, the researcher would like to through light on exact causes and suggests the measures in order to prevent such crimes against minor children by conducting empirical study on issue in hand. The researcher has prepared two types of questionnaire general and legal. The researcher has collected samples from three areas of Punjab i.e. Gurdaspur, Amritsar and Jalandhar. The researcher selected 20 respondents from each district. Total 60 respondents have been selected. The researcher has selected both close and open ended questions. The researcher has summed up data as follows:-

### General and Legal Questionnaire

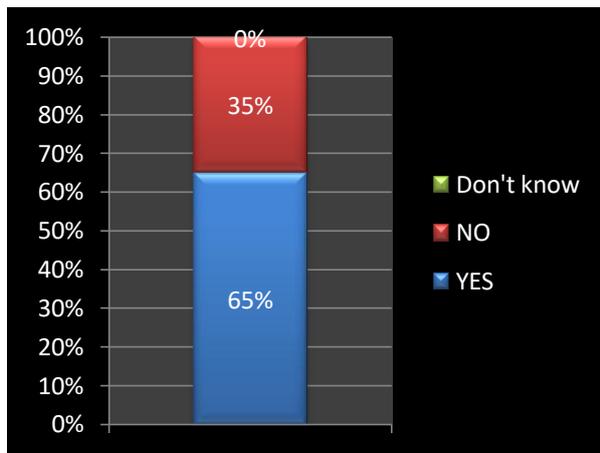
#### 1. Do you have knowledge about Child Sexual Abuse?



The respondents have given 100% response to option one that they know about Child Sexual Abuse. No respondent has given negative answer to option two. It means that everyone knows that children are being sexually abused by different means.

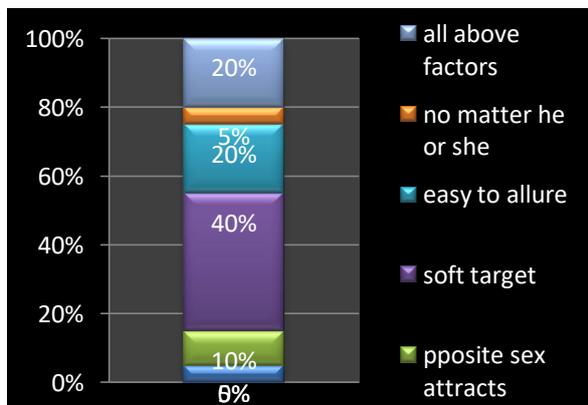
<sup>1</sup> P. Inyang Mfrekemfon and Nwakwaola Chidi Linda, Rape and the Girl Child IOSR Journal of Dental and Medical Sciences (IOSR-JDMS) e-ISSN: 2279-0853, p-ISSN: 2279-0861. Volume 14, Issue 1 Ver. IV (Jan. 2015),,p.54. <http://www.iosrjournals.org/iosr-jdms/papers/Vol14-issue1/Version-4/M014145256.pdf> retrieved on September 15, 2018.

## 2. Whether it is being committed more against female than to male child?



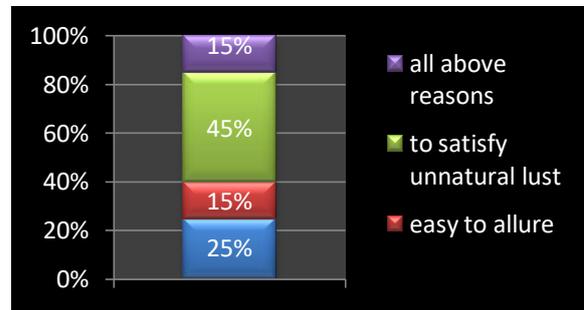
The researcher has got answer that sexual abuse is being committed more against female child than male child. The respondents have given 65% answer in favour of option one, 35% in favour of option two and 0% in favour of option third. It means girl Children are being sexually harassed more than male.

## 3. Reasons behind committing rape against female child



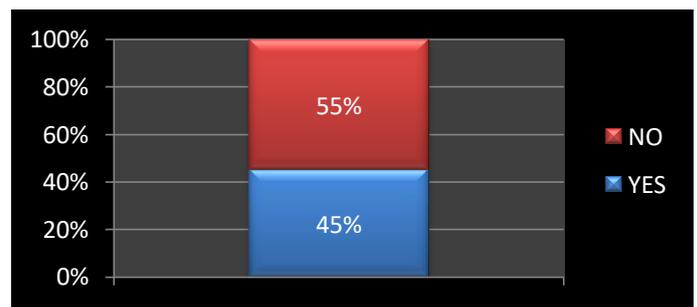
The third question is prepared by the researcher in order to know the reasons behind committing Child Sexual Harassment. The researcher has got different answers on above asked question. The researcher has received 5%, 0%, 10%, 40%, 20%, 05% and 20% in favour of options A, B,C,D,E,F and G. The majority of respondents favour the option 'D' that child is soft target and she may not be able to explain what happened to her. 20% respondents favor the option 'G' as according to them all reasons like her clothes, complexion, opposite sex attracts, child are soft target, easy to allure and no matter either he or she are responsible for sexual abuse.

## Reasons behind committing sexual assault against male child



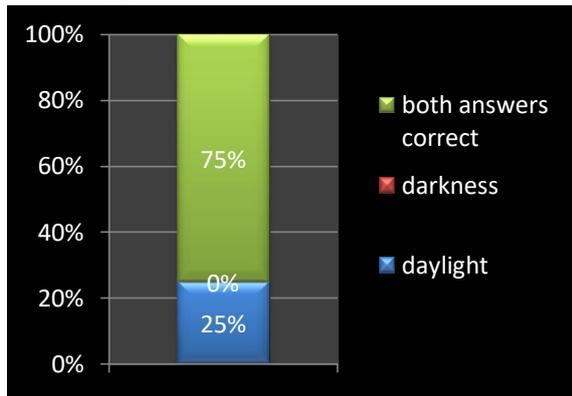
The fourth question is prepared in order to know causes behind the sexual abuse against male child. Option first, second, third and fourth have received 25%, 15% 45% and 15% responses from different responses. The majority of respondents favour option third as according to them there is lust behind committing sexual abuse against male child by male accused. The other causes like soft target and he may not be able to explain what has happened to him and easy to allure and to overpower him have received less response. Some respondents consider that all abovementioned causes are responsible for sexual abuse of male child.

## 5. Do you think that accused target the girls below the age of twelve years who have not attained the age of puberty in order to avoid pregnancy to victims?



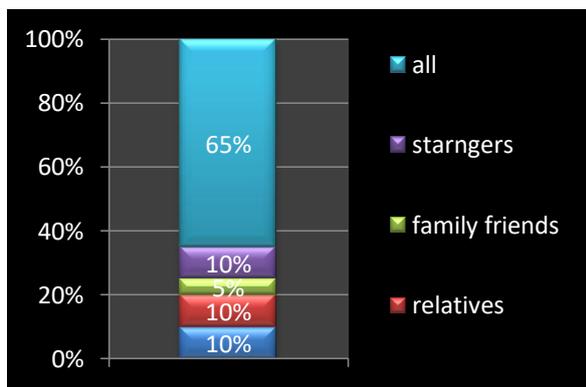
There is less difference between responses given by respondents to options one and two of above asked question. 45% respondents positively favour option one and 55% respondents favor negatively option two. According to first category respondents, accused only target the girls below age of twelve but on the other hand, respondents from second category said that accused not only target girls below twelve but women of any age. Age does not matter for an accused while committing sexual crimes against women.

**6. Do you agree that child rape committed on**



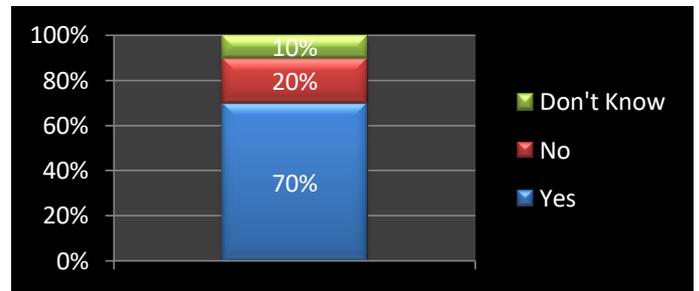
The respondents have given 25%, 0% and 75% answers in favour of options one, two and three respectively. The respondents with thumbing majority agreed that child rapes are being committed both in daylight and in darkness.

**7. Child Sexual Assaults are committed by**



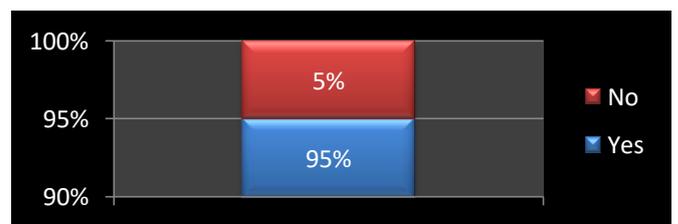
The respondents have given answers 10%, 10%, 05%, 10% and 65% response in favor of options A, B, C, D and E. The maximum respondents have given favour to option 'E'. According to them, sexual assault can be committed by male family member of any age, relatives, friends of family and by strangers when child is alone either at or outside her home. After analysis of data it can be said that children are not safe at any place. Parents should be more aware about care and safety of their children.

**8. Do you think due to free access of porn sites increase the incidents of Child Abuse?**



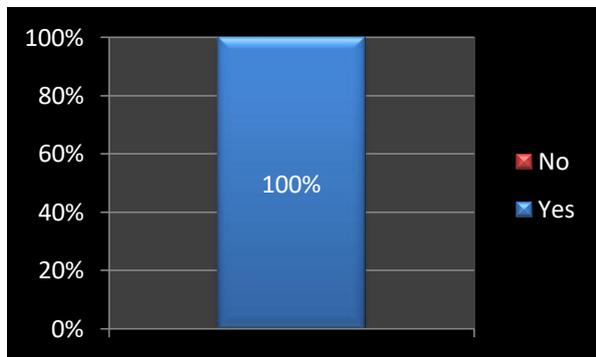
The abovementioned question is prepared by the researcher to know that to what extent porn sites are responsible for increasing the incidents of child sexual abuse. In this regard, the researcher has received 70% answers positively in favour of option 'A', 20% answers negatively in favour of option 'B'. 10% respondents do not know that free access of porn sites increase the incidents of child sexual abuse. While analysis of above data it is concluded that respondents with thumbing majority agreed that porn sites are playing vital role to increase the incidents of child sexual assault.

**9. Do you think that Child Sexual Abuse affects the entire life of the victim?**



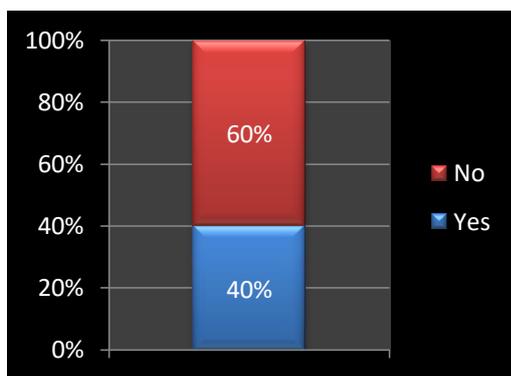
The abovementioned question has received answers from different respondents that are 95% positively in favour of option 'A' and 5% negatively in favour of option 'B'. It means that child victims of sexual assault suffer throughout their life. It's not easy for a child victim to forget such incidents easily. These incidents affect them mentally and physically. Sometimes, it's not easy for them to talk openly about these incidents and they feel depressed which affects their entire life.

**10. Do you think that in order to prevent sexual abuse against children it is necessary to give knowledge of good and bad touch?**



It is necessary to give knowledge of good and bad touch to their children in order to prevent child sexual abuse. In this regard, the researcher has received 100% positive response in favour of option 'A'. It means respondents with majority strongly agreed that children should be given knowledge of good and bad touch. Initially, it is the duty of the parents to give knowledge of good and bad touch to their children. In schools, it is the duty of the teachers to teach children about good and bad touch through audio visual means so that they can learn easily.

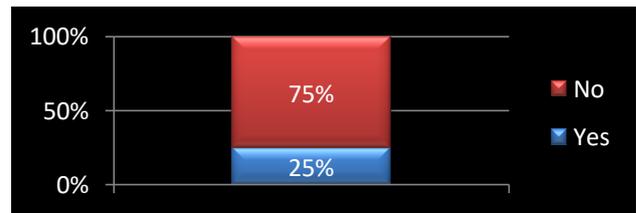
**11. Are these incidents happened due to intoxication? If yes, give reason and if no, give other reasons in short.**



It is considered that most crimes are committed due intoxication. In this regard the researcher has received 40% answers positively in favour of option 'A' and 60% answers negatively in favour of option 'B'. It means intoxication is also one of the reasons behind child sexual assault. Intoxicated people sometimes lose self control and cannot differentiate between right and wrong and commit sexual abuse against child. On the other hand, majority of respondents don not agreed that intoxicated people commit sexual assault against children. According to

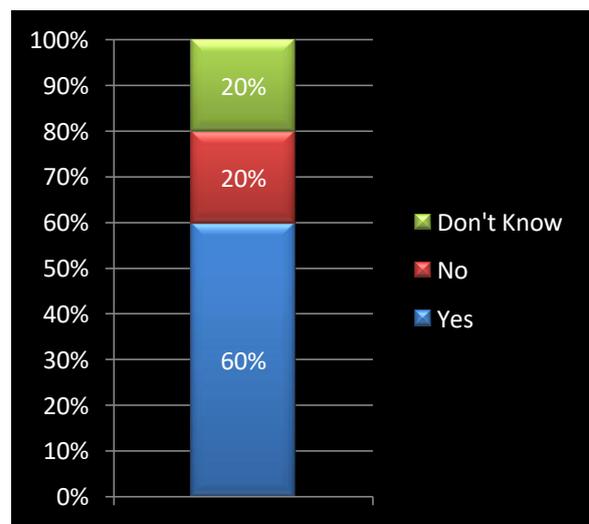
them, it's bad mentality of the people who commit such kind of crimes against children.

**12. The Protection of Children From Sexual Offences Act, 2012 provides the minimum punishment 5 years for committing sexual assault which is to be extended rigorous life imprisonment for using child in pornography. Is it adequate punishment for an accused who takes away childhood of an innocent child?**



To induce children in pornography is a crime. In this regard The Protection of Children From Sexual Offences Act, 2012 provides the minimum punishment 5 years for committing sexual assault which is to be extended rigorous life imprisonment for using child in pornography. The researcher has received 25% responses in favour of option 'A' and 75% negatively in favour of option 'B'. It is clear from above mentioned data that punishment prescribed for using child in pornography is not sufficient in order to prevent crimes against child.

**13. After the Kathua rape case of a minor girl the Parliament of India passed the Criminal amendments bill by inserting Section 376DB in Indian Penal Code, 1860 which provides death penalty for committing rape of a girl below the age of twelve. Do you think it will prevent such brutal activities against girl child?**



The researcher has received answers on abovementioned question. The majority of respondents positively favour the option 'A'. The

researcher has received 60% responses in favour of option 'A'. It means these respondents strongly agreed that any person who commits rape against a girl below the age of twelve shall be punished with death. On the other hand, 20% respondents negatively favour the option 'B'. According to them, death penalty can also not prevent such crimes against a girl child. 20% respondents favour option 'C' as they do not know whether death penalty would have deterrent on accused in order to prevent sexual abuse against girl children.

**14. Give other causes of child sexual abuse which are not mentioned in this questionnaire. Give your suggestions for preventing and saving children from sexual offences.**

In last question, the researcher requires suggestions from different respondents on the issue in hand. The respondents have given their valuable suggestions on issue in hand which are as following:-

1. Child sexual abuse is now a days issue of great concern. To curb this crime amendments have been made in Indian Penal Code, 1860 in 2018 through ordinance and new sections 376AB and 376DB have been inserted. This is a great initiative but in order to strike at a root we have to educate our male child about good and bad touch.
2. Change of mental attitude is pre-requisite for tackling with child sexual abuse.
3. Parents and teachers can develop prevention techniques that can help to keep children safe and to supervise the activities of minor children. To keep watch on the person with whom they are going out. Awareness in society regarding this social evil.
4. Child sexual abuse are committed due to non awareness of the regarding these offences. Rapes of minor below 10-12 years are mostly committed due to satisfy their lust. Only way to stop these activities is to implement the punishment strictly rather than making it more strict.
5. Self lust and attraction is also one of the causes which lead to commission of these offences against minor children.
6. Lectures should be given and seminars should be organized in schools in order to make aware children regarding these offences. Audio visual means are helpful to teach children different techniques in order to secure themselves from sexual abuse.
7. Children should teach that if they feel awkward with someone's presence they should loudly say 'NO' or 'STOP'.
8. Parents should teach their children that nobody has right to touch their private parts. If anything happened like this they should frankly tell their parents.
9. The parents should not left their children with strangers.

10. Parents should spend more time with their children and should be more careful about surroundings of their children.

11. Children below two years need more care and strict supervision of their parents. Hence, parents should not leave their children alone at home and outside. Parents can entrust supervision of their children to trustworthy members of family.

12. Immediately reporting of such incidents to police so that strict action can be taken against accused.

13. It's duty of hospital authorities and police to keep secret identity of victims of such crimes. It will not affect the prospective lives of the victims and families.

14. It's duty of government to give all possible assistance to victims and families.

## Conclusion

A child is a most beautiful and innocent creation of God. They need more care and love from everyone. In reality, they are being sexually abused within and outside their home on the pretext of being loved by their family members and family friends. Sometimes, even parents do not understand the behavior of adult family members while children are spending their time with them. Some people take undue advantage of family's love and affection and commit sexual abuse against minor children especially against girls. Kathua rape case was one of the worst examples of child sexual abuse against children. After this barbaric incident, the Parliament of India inserted amendments in Indian Penal Code, 1860, Indian Evidence Act, Criminal Procedure Code and The Protection of Children From Sexual Offences Act, 2012 by enhancing the punishments under these codes. Hence, only strict punishments cannot reduce such kind of brutal incidents against the minor children. The study reveals that change of mentality male persons is mandatory factor in order to prevent the sexual abuse against children. They should have control over their sexual conduct towards tender children. Nobody has right to ruin the childhood of any child. It is concluded from empirical study that both male and female minor children are not safe. Both become easy target of the accused persons. The researcher finds out the strongest reason behind sexual abuse is that age or sex does not matter for males who want to satisfy their sexual lust. The male persons who have such a bad mentality can commit sexual abuse with anyone.

## QUESTIONNAIRE

**1. Do you have knowledge about Child Sexual Abuse?**

- (a) Yes (b) No

**2. Whether it is being committed more against female than to male child?**

- (a) Yes (b) No (c) Don't know [ ]

**3. Reasons behind committing rape against female child**

- (a) Her clothes
- (b) Her complexion
- (c) Only because she is a female and attracts opposite sex
- (d) Soft target and she may not be able to explain what has happened to her
- (e) Easy to allure and to overpower her
- (f) No matter either he or she
- (g) All abovementioned reasons

**4. Reasons behind committing sexual assault against male child**

- (a) Soft target and he may not be able to explain what has happened to him
- (b) Easy to allure and to overpower him
- (c) To satisfy unnatural lust
- (d) All abovementioned reasons

**5. Do you think that accused target the girls below the age of twelve years who have not attained the age of puberty in order to avoid pregnancy to victims?**

- (a) Yes [ ] (b) No [ ]

**6. Do you agree that child rape committed on**

- (a) Daylight
- (b) Darkness
- (c) Both (a) and (b) are correct

**7. Child Sexual Assaults are committed by**

- (a) Male family members of any age
- (b) Relatives
- (c) Friends of family
- (d) Strangers when child is alone either at or outside her home
- (e) All of them

**8. Do you think due to free access of porn sites increase the incidents of Child Abuse?**

- Yes [ ] (b) No [ ]  
 (c) Don't know [ ]

**9. Do you think that Child Sexual Abuse affects the entire life of the victim?**

- Yes [ ] (b) No [ ]

**10. Do you think that in order to prevent sexual abuse against children it is necessary to give knowledge of good and bad touch?**

- (a) Yes [ ] (b) No [ ]

**11. Are these incidents happened due to intoxication? If yes, give reason and if no, give other reasons in short.**

- (a) Yes [ ] (b) No [ ]

**12. The Protection of Children From Sexual Offences Act, 2012 provides the minimum punishment 5 years for committing sexual assault which is to be extended rigorous life imprisonment for using child in pornography. Is it adequate punishment for an accused who takes away childhood of an innocent child?**

- (a) Yes [ ] (b) No [ ]

**13. After the Kathua rape case of a minor girl the Parliament of India passed the Criminal amendments bill by inserting Section 376DB in Indian Penal Code, 1860 which provides death penalty for committing rape of a girl below the age of twelve. Do you think it will prevent such brutal activities against girl child?**

- (a) Yes [ ] (b) No [ ] (c) Don't know [ ]

**14. Give other causes of child sexual abuse which are not mentioned in this questionnaire. Give your suggestions for preventing and saving children from sexual offences.**