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RESEARCH ARTICLE

CHILD SEXUAL ABUSE IN INDIA

Dr. Casimir Raj M¹ and Nepolian A²

1. Director, Don Bosco Anbuillam, Salem, Tamil Nadu, India.
2. Assistant Professor, PG and Research Department of English, St. Joseph's College (Autonomous), Tiruchirappalli, Tamil Nadu, India.

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Abstract

Today, every child in this world has to undergo a hard phase in his/her life. The hard phase could be in the form of physical or mental harassment. These cruel acts, done by some grown-up men and women will have a huge impact on the future generation. One such act is Child Sexual Abuse (CSA). Its prevalence is perceptible all over the world. This research article gives exclusive importance to CSA in India. A general understanding of CSA in the public eye is 'coitus'. However, the reality is touching or speaking with the intention of abusing the child either physically or emotionally itself is a CSA. The statistics and case studies referred to in this article have their source from the leading national and international newspapers. The post-traumatic phase or the consequences of CSA has been dealt with in detail. This article can also serve as an eye-opener by making the readers aware of the rules and regulations available at the state, national, and international level for the welfare of children. The present article also throws light on the prevention of CSA and tailored guidelines for handling victims of CSA. This article could also be used by future researchers in exploring the various factors behind CSA and policymakers, in understanding the status quo and strengthening the system accordingly. It can also serve as an eye-opener for the common public to understand the nuances involved in protecting a child against sexual advancements.

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Introduction:-

Twenty first century, due to its fast moving propensity and globalization brings along with it lot of problems and struggles against children. The children in this century are prone to violation, conflicts, restriction, oppression, violence, competency, pandemic and even more. The children in India, along with the above mentioned are under serious threats by way of religion, caste, poverty, illiteracy, ignorance, abuses, frauds and mockery. Today, each and every child struggles to flourish in an environment saturated with impediments. They have to confront threats from all sides. One of the biggest social stigmas attached to a society is that of Child Abuse. Therefore, the humankind is in need of some way and means, which will help the children to get rid of all these problems. In this context, doing a paper on this topic will be a great boon to the children community.

Defining 'abuse' is one of the most unsatisfactory and difficult tasks in the general world. However, the meaning of abuse could be comprehended by analyzing abuse from different perspectives. The etymological meaning is also

shrouded with mystery which makes the task arduous. Abuse comes from a Latin root 'Ab', then this word got transformed to 'Abuti' and then into 'Abuse'. The general meaning of abuse according to Merriam-Webster dictionary is 'to use or treat so as to injure or damage: Maltreat'. According to the Child Welfare Information Gateway website, which quotes 'Child Abuse Prevention and Treatment Act (CAPTA)' definition of child abuse and neglect as,

Any recent act or failure to act on the part of a parent or caregiver that results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act that presents an imminent risk of serious harm. (para. 2)

In recent years certain incidents in newspapers and magazines prove that, children are abused by the grownups for their selfish motives. They are even ready to kill the children to fulfill their needs. These children are powerless and helpless in nature. The Kumbakonam fire accident which happened on July 16, 2004 in Tamilnadu, India was notorious for its catastrophe in ending the life of 94 school children. A question might arise, how does this come under abuse? Yes, this clearly comes under the category of abuse, because, in this incident children are being abused by way of not rendering them with proper infrastructure and care in the school. A detailed report on this accident could be read in Firstpost news website titled 'All you need to know about Kumbakonam fire tragedy that killed 94 children'. It is a sheer act of negligence from the side of bureaucrats who failed to uphold the quality of building which provide shelter to hundreds of school children. A child can be abused physically, mentally or sexually. It can be in the form of injury, neglect or negligent treatment, blaming, mocking, forced sexual stimulation and activity, incest exploitation and sexual abuse. Child abuse can take place in homes, schools, orphanages, residential care facilities, on the streets, in the workplace, in prisons and in place of detentions.

Violence in any form has a very deep impact on the overall development of the child. Child abuse results in actual or potential harm to child's health, survival, development and dignity. Modern science and technology have thrown lot of problems towards the children community and they have to be faced and tackled delicately. Once upon a time, children were seen as God's representative to humanity. However at present, children are used merely as an object to satisfy the lust of the criminals in the society. Under these circumstances, this paper exclusively deals with the status quo of Child Sexual Abuse (CSA) in India, its causes, consequences, preventions, institutions and laws to support the victims. The last part of this article concentrates on the 'instructions' to people handling child sexual abuse victims. Research articles from reputed journals have been cited in order to increase the integrity of the substance dealt in this paper. News articles have been referred from regional, national and international newspaper websites and magazines for the data to substantiate the existing affairs of CSA in India. The objective of this paper is to delineate the causes and consequences of a dreadful modern social evil which needs sanity, caution, care and immediate exertion of authorities to eradicate CSA for a peaceful and caring earth for the children.

Child Sexual Abuse

Child sexual abuse (CSA) is defined in *Guidelines for medico-legal care for victims of sexual violence* by the World Health Organization as, "the involvement of a child in sexual activity that he or she does not fully comprehend and is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violate the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person." (World Health Organization, 2003, p. 75)

BBC News (2017) quoting the Indian Ministry of Women and Children's 2007 study says that, 53% of children in India face some form of child sexual abuse. This news article also signifies the fact that, "In India, a child is sexually abused every 15 minutes" (BBC News, 2017).

India Today (Press Trust of India, 2020b) quoting information from National Crime Records Bureau (NCRB) indicates that, the cases of rape and murder of children increase every year. As many as 109 children are abused every day in India in the year 2018. According to the data released by NCRB, 32,608 cases were reported in 2017 while 39,827 cases were reported in the year 2018. This shows that, there was a 22 percent hike in the number of cases from the previous year. All the cases were registered under POCSO Act. As many as 21,605 child rapes were recorded in 2018 which included 21,404 rapes of girls and 204 of the boys. The highest number of child rapes was reported in Maharashtra at 2,832 followed by Uttar Pradesh at 2023 and Tamilnadu at 1457, the data showed. If the

overall record is taken, the crimes against children has increased steeply over six times in the decade over 2008 to 2018, from 22,500 cases recorded in 2008 to 1,41,764 cases in 2018.

A news article in The Logical Indian (2020), quoting the NCRB data shows that, a total of 67,134 children (19,784 male, 47,191 female and 159 transgender) were reported missing in 2018. As many as 781 cases of using children for pornography or storing child pornography material were also recorded in 2018; more than double that of 2017 when 331 such cases were recorded, the data showed.

A news article in The Free Press Journal sourcing information from the Press Trust of India (2020a) states that, the state-wise segregation of crimes against children reveals Uttar Pradesh, Madhya Pradesh, Maharashtra, Delhi and Bihar accounted for 51 percent of all crimes in the country. While Uttar Pradesh tops the list with 19,936 recorded crimes against children (14 percent), Madhya Pradesh and Maharashtra are the close second and the third with 18,992 and 18,892 crimes registered respectively. The report also showed that cases of sexual harassment in shelter homes against women and children reportedly increased by 30 percent, from 544 cases recorded in 2017 to 707 cases in 2018. As it was mentioned earlier, most of the data used in this article are based on the news which was collected from different newspapers.

Mainspring OF CSA

There are so many brutal incidents happening every year against the children. The irony here is most sexual abuses are done by the child's own family members, neighbors, teachers, guardians etc. In some cases, the parents try to sexually abuse their own children.

India is known all around the world for its joint families. Every member in the family worked towards the wellbeing of the whole family. There was selfless love and affection filled to the brim. If both the mother and father went to work in a field, the children in the homes were taken care by their grandparents and other family members. They fostered the students with moral stories and gave them the needed trust and hope. The contemporary world, under the impact of Globalization is continuously moving towards the periphery and fails to recognize and value the center. Periphery here connotes job positions, wealth, power and worldly pleasure, and center here connotes love, affection, care and family. People today fail to accept that, whatever they earn is for their family and family should not be sacrificed for earnings. Globalization may be a good thing in improving the individual's status, but on the other hand it degrades the basic value of a being a human. The above-stated news incidents imply how Indian families have mutated in recent years. If a child was denied trust and hope within the family, then the whole world becomes dark before them. Chaudhury et al. in their article, 'Child sexual abuse: The suffering untold' says that, due to the increased financial needs, both the father and mother has to work and they usually leave their children in crèches (Chaudhury et al., 2017, p. 1). This is the first place where the children are more vulnerable for being abused. Therefore, mutation of Indian families from joint family culture to nuclear family, in one way or the other has contributed to the increasing number of CSA.

An article from CRY-Child Rights and You (2015) titled 'Child Labour in India' says that 1 in 5 children in the 15-18 years age-group in India are working. It also confirms that, Child labourers in Urban India have grown by 53% over 2001-2011. This information also implies the increased risk of the children being sexually abused in their working places. Poverty is one major concern in India, which propels this defenseless population into employment at an age committed for education and enjoyment. Children in these places rarely report sexual harassment for the fear of losing jobs and life.

A news article in Times of India reported an incident from Thanjavur, Tamilnadu, India where a 15yr old girl was under a big threat from her own father. He raped his daughter after the death of his wife and impregnated her under the influence of alcohol. As she felt that she was in danger, she shared this with her younger sister and she in return shared it with her maternal grandmother. The girl's grandmother after knowing that she was pregnant took the incident to Vallam all-women police station (Times News Network, 2020). Sensational incidents like this in the society lead everyone to the question – "What's wrong with the father? Is the family to be blamed or the society to be blamed?"

An article published in The Hindu's BusinessLine entitled 'India Lockdown: Online child pornography consumption spikes by in India, says ICPF' reads that, the consumption of child pornography has increased 95% between March 24 and 26. It also quotes an online data monitoring website, there has been an increase in search of terms like 'child

porn,' 'sexy child' and 'teen sex videos'(Sheth, 2020). These news articles clearly show how the society has been poisoned with immoral and obscene qualities. This in turn also increases child trafficking and enforced child prostitution. The word 'paedophile' is defined as someone who is sexually attracted to children. The one who watches child pornography is capable of being a father who could rape his daughter. Blocking pornography websites in India was a wise decision made by the Government, but, still it needs to be intensified and the official should take stern actions towards the defaulters. Therefore, unregulated Mass Media and irresponsible social behavior play a vital role in spurring CSA.

Consequences OF CSA

American Psychiatric Association has defined Posttraumatic Stress Disorder (PTSD) as a psychiatric disorder that may occur in people who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war/combat, or rape or who have been threatened with death, sexual violence or serious injury. PTSD in sexually abused children is reflected through their physical, mental and emotional behaviors.(American Psychiatric Association, n.d.)

The behavioral signs in a child after an abuse could be exposed through some unusual activities. RAINN, an anti-sexual violence organization in one of its online article named 'Warning Signs of Young Children' conveys that, the behavioral signs include excessive talk about or knowledge of sexual topics, keeping secrets, not talking as much as usual, not wanting to be left alone with certain people or being afraid to be away from primary caregivers, overly compliant behaviour, sexual behaviour that is inappropriate for the child's age, spending an unusual amount of time alone and trying to avoid removing clothing to change or bathe.'(RAINN, n.d.)

RAINN in the same article also conveys the emotional signs as change in eating habits, change in mood or personality, such as increased aggression, decrease in confidence or self-image, excessive worry or fearfulness, increase in unexplained health problems such as stomach aches and headaches, loss or decrease in interest in school, activities, and friends, nightmares or fear of being alone at night and self-harming behaviours.(RAINN, n.d.)

Amisha U. Pathak in the article 'Child Abuse in India – An Analysis' says that the physical signs of CSA include 'A child may have trouble sitting or standing, or have stained, bloody or torn underclothes, swelling bruises or bleeding in the genital area is a red flag'(Pathak, n.d.).

A news article published in Times of India on April 28, 2019 entitled 'Minor held for rape, murder of 12-year-old girl in Dindigul' says that the girl was just 12 when she was smothered and raped by a 17 year old boy. The girl was alone at her house and the boy entered the house under the pretext of asking water. After the sexual assault, he staged the girl with a wire at nose and mouth, so that it will be considered as electrocution. Even after death, the body of that girl was exposed to electrocution(Ananth, 2019). This confirms the cruel act of how a human being can injure the other.

In some cases, after raping the children the accused threatens the victim by murdering him/her and the family, if it was known outside. In certain cases, the child was threatened with uploading the incident in social media. The childhood age, which was meant for learning and amusement, was darkened with certain sadistic approaches. The agony and suffering a child undergoes at this age is unimaginable and unexplainable. In certain cases it also leads to the death of the victim like the above mentioned news article.

If each and every case study was examined, the PTSD would have been terrible than the incident itself. Childhood is an important phase in a child's life. If a child was exposed to some grave incident like that of a sexual abuse, he/she will withdraw himself/herself from the regular activities of a normal child. This will affect the overall cognitive development of the child in many ways. The common effects include deterioration in academics, disinterest in speaking with other children in schools, withdrawing themselves from communal gatherings, etc.

Laws And Facts

A society which is full of love, compassion, mercy, peace and vigil towards the CSA victims is the need of the hour. The CSA victims are at the margins of the society. They need someone to lift them up from the abyss. Children are abused in so many ways, which they cannot reveal it to their immediate environment. Children need someone who can love them and be with them in the times of distress. There are a few Non-Governmental Organizations, which work for the upliftment of these young children at risk. They take enormous responsibility and do lots of sacrifice by

feeding the hungry, healing the wounded hearts, clothe the naked and most of all give education to all the children possible. These acts of mercy towards the children clearly show that there are people who are really interested in the holistic growth of the children.

The constitutional makers of India had a utopian vision for the growth, development, safety and improvement of the children in India. They are obstinate in giving basic and inalienable rights to the future of the nation. Amisha U. Pathak in the article 'Child Abuse in India – An analysis' conveys that, 'the life-cycle of a child revolves around four major objectives, Vis a Vis survival, development, protection and participation.' (Pathak, n.d.).

Indian constitution takes the responsibility and ensures the provision of laws to protect the children of this nation at any cost. Article 14 guarantees equality for each and every citizen before the realm of law. Either it is a child or adult, they are considered equal before the law. Article 15 secures prohibition of discrimination and sanctions the state with special provision for women and children. Article 21A of the constitution ensures free and compulsory education to all the children aged 6-14. Article 23 forbids human trafficking and forced labor. Article 24 proscribes employment of children below 14 years of age. Article 39(f) under Directive Principles of State Policy (DPSP), guides the State to ensure that children develop in a free and dignified environment and that their childhood and youth is protected against exploitation and against moral and material abandonment. Article 45 under DPSP, provides for the State's duty to ensure early childhood care and education for all children until they complete the age of six years (George, 2020).

Protection of Child Rights Act 2005, paves way for the setting up of the National Commission for Protection of Child Rights (NCPR) in the year 2007. This statutory body functions under the Ministry of Women and Child Development, Government of India, preserves the child rights and creates awareness among the citizens against child abuse in all forms. It also provides children with support and care for the abused children and rehabilitates them in the most possible way (Introduction to the Commissions for Protection of Child Rights | Odisha State Commission for Protection of Child Rights, n.d.)

CHILDLINE India Foundation (CIF) is the nodal agency under the Ministry of Women and Child Development and also acts as a parent organization for setting up, managing and monitoring the CHILDLINE 1098 service all over the country. CHILDLINE 1098 is a toll free number which works 365 days a year, 24-hour a day in need of aid and assistance to children all over the country. It not only fulfills the emergency needs but also sets up the child to a long-term care and rehabilitation centres (Child Line India 1098, n.d.).

All the State Governments in India are obliged to form a Child Welfare Committee (CWC) in their respective states. The Juvenile Justice Act 2015 (Care and Protection of Children), formed its rules and regulations in the year 2016. The four members, who constitute the committee, have hands-on experience in works related to child welfare and matters. The Child Welfare Committee is vested with the powers in regard to 'the disposal of cases in order for care, protection, treatment, development, and rehabilitation of the children who are in need of care, as well as protection, and also provide for their basic needs and protection' (Srusti, 2020).

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) is a special law enacted to deal with the sexual abuse of children. A wide range of sexual offences are covered by this law and it addresses offences against all children below the age of 18 years irrespective of gender. As the POCSO Act ruled out the question of consent in the case of children below the age of 18 years, Section 375 of the Indian Penal Code sets the age of consent as 18 and therefore sexual intercourse with a minor is deemed as rape (Criminal Law Amendment Act 2013). Section 376 of the Indian Penal Code provides that any person who commits rape will be subject to a term of imprisonment or rigorous imprisonment from seven years to life and may also be subject to a fine. Section 42 of the POSCO Act provides that where an act or omission constitutes a sexual offence both under this Act and the Indian Penal Code, then the offender found guilty of such offence shall be liable to punishment that is greater in degree under either of these laws (Ministry of Women and Child Development, 2014).

Preventing Child Abuse

The Role of Parents

Parents must educate their children about sexual advances and threats. They should understand that, if they cannot speak to their children regarding the concept of 'bad touch,' then, no one else could. They should not make this an embarrassing topic and speak with hesitation. This communication must be constant, friendly and frank. They

should teach their students to speak boldly against people advancing with dodgy thoughts. Offenders often use the vulnerability and ignorance of children to commit such advancements. If a child asks fearless questions, the offenders will be afraid of any furtherance. Teach children how their sexuality works so that they do not unknowingly harass others.

Reporting Incidents of Child Abuse

Online System for Children to Report Sexual Abuse

The ministry of Women and Child Development's 'SHe-box' is an online reporting system. It enables the child to report incidents of inappropriate touching and molestation, anonymously if they choose. These reports are received by the National Commission for Protection of Child Rights. (Ministry of Women & Child Development, n.d.)

Report it to the Police

Police officers are legally bound to address child abuse complaint. Further, the POCSO (Protection of Children from Sexual Offences) Act makes it illegal to witness and not report suspected child abuse and not report it. The POCSO Act has increased cases brought to trial.

CHILDLINE 1098

CHILDLINE 1098 is available 24/7 all through the year. Children should be educated on this toll free number in homes and schools by their parents and teachers respectively. They should be taught well in advance about how to make a call to this number and how to give them information regarding their location.

Instructions to the Practitioner Tackling a Patient of Child Sexual Abuse

DO'S	DON'TS
Be Patient and Calm	Don't pressurize the victim for their story. Don't speak rapidly.
Let the victim know you are listening. Nod your head.	Don't look at your watch or cell phone.
Show right attitude	Do not judge. Do not say "you should not feel this way"
Acknowledge how the victim is feeling	Do not assume what you think would be best for them.
Give the victim the opportunity to ask what they want. You may ask "How can we help you".	Wait until the victim has finished talking before asking questions.
Encourage the victim to keep talking. You may ask, "Do you want to tell me more?"	Do not obstruct the victim's thoughts.
Allow for silence.	Do not relate to somebody else's story or even your own experiences.
Stay focused on the Victim's experience and offering them support.	Do not interrupt them in between or make them feel that you are disinterested.

Conclusion:-

There are myriad articles which flood the national and regional dailies with regard to the sexual abuse of the children in the society. News articles cited in this paper tries to give awareness of what's happening in the society and the family against the children. The growing complexities of life and the changed socio-economic conditions have exposed the children to new and different forms of abuse. But the sad state of the affairs is that such terrible acts are reported less. It has the psychological impact on the mind of the child that the child seldom gathers the courage to speak about the atrocities that has taken place against them. Even if the child confides the fact with someone, the social factors and the family situation let the fact dumped under the fear of family reputation and other related issues. In fact CSA is a violation of the basic human rights of a child. It is a challenge for everyone, especially for all those who are working in this field to ensure the safe living of the children. An urgent need to create a child friendly city with fortitude and courage is the need of the hour. A careful analysis would reveal that, it is possible to create a city which is totally for the children. This paper on CSA and its impacts will help humankind to understand the cries of the children and protect them from all kinds of abuses. Researchers can do an on-site visit and come up with various other issues which are dormant to the outside world. Government and its policy makers should introspect themselves and come up with ideas that reduce the status quo in India. Irrespective of all the strict laws and measures, the numbers of CSA cases are increasing rapidly. Passing resolutions for the children in legislative assemblies and parliament is not going to reduce the child abusive cases, but, a study on how to take the laws to the community which deals with children is the need of the hour. Researches should analyse the vacuum

between the laws and the contemporary state of India. The Government of India can also begin a ministry exclusively for children, which at present is merged with the Ministry of Women and Child Development. Anything that affects the child today is going to affect the future tomorrow. Therefore, the public and the administrators should understand the seriousness behind this research paper and should devise strategies accordingly.

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