DOCUMENTATION OF POLICE CASES OF SEXUALITY ABUSED GIRLS
In Mumbai City between 1994-95

Trupti Panchal & Nahida Shaikh

The Special Cell for Women and Children
1997
CONTENTS

Acknowledgements

1) Introduction
   Concept of child sexual abuse: Different Types, Extent and Incidence of Child Sexual Abuse and Legal interventions.

2) Methodology
   ♦ Sampling Procedure and Data Collection Methods.
   ♦ Some limitations of this study
   ♦ Objectives of the study.

3) The Findings
   ♦ Regionwise distribution of cases in Mumbai.
   ♦ The processual aspect related to child sexual assault.
   ♦ Profile of the girl child/victim/survivor.
   ♦ Profile of the Accused.
   ♦ Sexual assaults committed by minors.
   ♦ Forms of sexual abuse.

4) Conclusions & Recommendations

5) Bibliography

Annexures

a) Laws related to CSA
b) Guidelines for the interview
ACKNOWLEDGEMENTS

We would like to express our sincere thanks to all the persons who made work on this study meaningful. We would like to record our appreciation for:

- Mumbai Police who have reposed trust in the Special Cell’s work as a result of which our association has continued for over a decade.

- Mr. Satish Sahaney, the then Commissioner of Police who supported the idea and gave us necessary permission, free access to the Police records and enabled us to interact with the Investigating officers.

- Mr. S. Chakravarty, the then Additional C.P. (crime) and presently I.G. (Adm) who supported our endeavour guiding us from it’s conception, giving us insight into Criminal Justice procedures and all the time moving the police machinery in support of the study.

- Mr. P. I. Bhatt, who was absolutely indispensable for our data collection. Without him the task of locating and accessing all the police records and being able to meet all the I.O.’s would have been difficult.

- Dr. Murli Desai with whom we began the conceptualization of this study. She was there whenever we needed her expertise guidance and sometimes discipline.

- Ms. Kamini Kapadia who generously offered her time to make incisive comments on our drafts.

- Ms. Anjali Dave who constantly encouraged and supported us to complete this study. It is due to her interest, patience and guidance that this study has seen the light of the day.

- Terre des hommes for their unfailing support throughout by funding our ideas and the present research work.

We are indebted to all the investigating officers, who enthusiastically supported the study and found time to have a dialogue with us. Our dialogue and interaction with men who were accused has helped us gain meaningful insights into child sexual abuse and we thank them for sharing information with us. Interviewing men who have abused children was traumatic for us. However our training in Social Work helped us accept and respect human dignity.

It is to the support of our families and colleagues at the cell that we were able to sustain ourselves throughout the period of study.

We would like to thank Mr. V. G. Gimonker and Ms. Sheela Rajendra for their prompt secretarial assistance during the course of work.

To the Department of Family and Child Welfare for their faith and support.

Nahida Shaikh & Trupti Panchal.
<table>
<thead>
<tr>
<th>Table #</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regionwise Distribution of cases in Mumbai city.</td>
</tr>
<tr>
<td>2</td>
<td>Distribution of cases by place of occurrence of offence.</td>
</tr>
<tr>
<td>3</td>
<td>Period between occurrence and registration.</td>
</tr>
<tr>
<td>4</td>
<td>Distribution of cases by law sections applied.</td>
</tr>
<tr>
<td>5</td>
<td>Threat to the child.</td>
</tr>
<tr>
<td>6</td>
<td>Informant's relationship to girl child.</td>
</tr>
<tr>
<td>7</td>
<td>Distribution of cases by number of accused arrested.</td>
</tr>
<tr>
<td>8</td>
<td>Distribution of cases by period of custody and grant of bail for the accused.</td>
</tr>
<tr>
<td>9</td>
<td>Distribution of cases by Medical Evidence.</td>
</tr>
<tr>
<td>10</td>
<td>Distribution of cases by hospitalization of Girl Child.</td>
</tr>
<tr>
<td>11</td>
<td>Distribution of cases by the age of the Girl Child.</td>
</tr>
<tr>
<td>12</td>
<td>Distribution of cases by schooling of the Girl Child.</td>
</tr>
<tr>
<td>13</td>
<td>Distribution of cases by religion of the girl child.</td>
</tr>
<tr>
<td>14</td>
<td>Distribution of cases by age of the accused.</td>
</tr>
<tr>
<td>15</td>
<td>Distribution of cases by Religion of the offender.</td>
</tr>
<tr>
<td>16</td>
<td>Distribution of cases by occupation of the offender.</td>
</tr>
<tr>
<td>17</td>
<td>Distribution of cases by offenders relationship to the child.</td>
</tr>
<tr>
<td>18</td>
<td>Distribution of case by Marital status of the abuser.</td>
</tr>
<tr>
<td>19</td>
<td>Distribution of cases by Alcohol and Drug dependency of the abuser.</td>
</tr>
<tr>
<td>20</td>
<td>Distribution of cases by forms of Sexual Abuse.</td>
</tr>
<tr>
<td>21</td>
<td>Justification of the abuse</td>
</tr>
</tbody>
</table>
INTRODUCTION

Child abuse, in one form or another, has existed in almost all societies throughout history. However, the recognition of child abuse as a social problem is of recent origin. Research on child abuse, especially child sexual abuse, in India, has, therefore, not received much attention. This can perhaps be attributed to a lack of conceptual clarity and low reporting of cases of abused children. This situation has reinforced the prevalent myth that C.S.A. is rare in Indian society.

Sexual abuse of children includes various types of sexual trauma ranging from single attacks by strangers to long term incestuous relationships with parents. Defining child abuse is very difficult because there is no uniformly accepted definition of child abuse. This is because there is no universal standard for optimal child rearing and so there can be no universal standard for what constitutes child abuse. A definition of universal relevance must, on the one hand, distinguish child abuse clearly from other social, economic and health problems of international concern and, on the other be sufficiently flexible to apply to a range of situations in a variety of social and cultural contexts.

In 1988, a National seminar on Child Abuse in India (June 22-24, 1988) under the aegis of the National Institute of Public Cooperation of Child Development, New Delhi, recognised the need for defining afresh the term "Child Abuse" in the Indian context. The concerned committee evolved the following definition:

"Child Abuse and Neglect (CAN) is the intentional, non accidental injury, maltreatment of children by parents, caretakers, employees or others including those individuals representing government / non-government bodies, which may lead to temporary or permanent impairment of their physical, mental, psycho-social development, disability or death".

Thus, the foregoing definitional exercise serves to indicate that acts of child abuse, run from poor parenting to a variety of forms of neglect and abuse including gross neglect, sadistic ill-treatment, sexual abuse and even murder.

In our country, awareness of the cruelties to children is yet to grow. Children who talk about or disclose their sexual abuse are most frequently met with denial, minimization, or blame. We have yet to proceed from silence about the abuse, to awareness. In fact, it is observed in practice that women violated within marriages often have a childhood history of sexual abuse, leading us to question the impact of childhood trauma and acceptance of physical and mental abuse in adulthood.

Child Sexual Abuse

Talking about sexual abuse is difficult because of the many taboos that surround the issues of sexuality and sexual abuse. Children are never able to talk about abuse because our society has never allowed them to voice their fears, has attached stigma to it, and tended to hush and bury the abuse pretending that it never happened. If the abuse is articulated, the child is likely to be threatened, blamed-Qc.called a liar. The child is often accused of "asking for it" and made to feel shameful. This shame denies our children the language and access for redress but ensures protection to the offender. This false notion of shame is the single laigest culprit in perpetuating child sexual abuse in every society.
In India families experiencing child abuse, often go on as if nothing has happened; it is not discussed. In this way, children learn that there is no one they can trust, that sharing leads not to help but to harm or neglect, that it is not safe to tell the truth. In other words, they learn shame, secrecy and silence.

No single legislation is enacted to deal exclusively with the problem of child abuse in India. However, there are considerable Central and State laws having a direct or indirect bearing on different aspects of child abuse like neglect, cruelty, exploitation and sexual abuse. The existing sections of laws, for example, in the Indian Penal Code and the Juvenile Justice Act provide for punishment for all offenses in respect of children, but they are not strictly enforced. Also the law does not really provide relief for a child who has been sexually abused because of its in-built problems of a limited perspective and child-insensitive procedures. However, we cannot totally reject the law but must strive to change it to combat this rampant crime.

More research is needed to enable us to know the extent, nature, causes and consequences of various forms of child abuse and to suggest measures for policy making and setting up a network of preventive and rehabilitative services for abused children. This study will help to draw conclusions for legal reforms, interventions, training and follow-up.

**Concept of Child Sexual Abuse**

**Definition**

The definition of 'Child Sexual abuse' and incest can be difficult as it involves a wide range of behaviour. Sakshi, Delhi defines it as "any sexual behaviour directed at a person under 16 without that person's informed consent. Sexual behaviour may involve touching parts of the child or requesting the child to touch oneself, or others, ogling at the child in a sexual manner, taking pornographic photographs, or requiring the child to look at parts of the body. Sexual acts, or other material in a way which is arousing to oneself, and verbal comments or suggestions to the child which are intended to threaten the child sexually or otherwise to provide sexual gratification for oneself. It must be defined by every circumstance in which it occurs: in families, in state run and private institutions, on the street, in classrooms, in pornography, advertising and films." (Child Sexual Abuse - A draft manual - Sakshi, unpublished).

Some examples of Child Sexual Abuse of Children

- fondling, touching & kissing
- exhibitionism & voyeurism
- oral, anal or vaginal sexual intercourse
- photography / filming children for sexual purposes
- persuading a child to touch or fondle the sexual parts of any other person (child or adult)
- masturbating (using the child as a sexual object)

Source: Child Sexual Abuse - A draft manual, Sakshi, New Delhi. (Unpublished)

**Types of Abuse**

It is unthinkable that young children are subjected to almost every form of sexual activity known. Sexual abuse could be physical, involving touching or even without touching. Here it is important to remember that touch or sexual abuse that fails short of penetration is
A. Non-Contact Abuse

I. Voyeurism: This is a way of obtaining sexual satisfaction by watching children who are naked or undressing, or by looking at their genitals. It does or does not involve a relationship.

II. Exhibitionism: This term is used to describe the exposure of the genitals as a deliberate act to gain satisfaction. Closely related to exhibitionism is a form of reverse voyeurism where the child is made to watch either the sexual activities of adults or pornographic material.

III. Pornography: This is both a contact and non-contact abuse. Pornographic material is publicly available in a variety of forms such as audio, video, written and still photographs depicting sexual acts or body parts. The viewers cannot establish bodily contact and can yet use the pornographic material to excite and satisfy themselves. Children can be exploited for the use of pornography without having to be touched. They could be required to dress in erotic clothes or pose in sexual positions or they could be engaged in sexual acts, violence or even killed.

B. Contact Abuse

I. Fondling: This refers to touching the child's body for sexual gratification and involves contact with the genitals (including the vaginal area) and breasts of older girls.

II. Masturbation: This refers to sexual stimulation of a person's own genitals which is usually done alone. However, the term 'mutual masturbation' has been used to describe the achievement of sexual arousal, excitement and satisfaction by one person manually rubbing the genitals of another. Children can be forced or enticed to rub a perpetrator's genitals (Doyle, C. 1994). It is important to note in the case of C.S.A. that mutuality of needs / desires is assumed by the perpetrator (adult) to justify behaviour and reduce guilt.

III. Penetration: The term 'intercourse' either vaginal or anal is usually reserved for penetration by the penis. However, children can have all manners of objects inserted into the vagina or anus. Digital penetration refers to the insertion of fingers into the anus or vagina (Doyle C. 1994).

IV. Oral Sex:

a) Kissing: Kissing might sound relatively innocent and an affectionate act towards children but it can be highly sexualised and frightening for children. Breasts can be kissed, sucked, bitten and licked when the victim is a pubescent girl.

b) Fellatio: Oral-genital sex occurs when the abuser forces the child to lick, kiss, bite or suck his penis.

c) Cunnilingus: When a girl's vagina is sucked, licked, bitten or kissed, or the tongue is placed as far as possible into the vagina.

d) Analvingus: Refers to licking or kissing the anus.
The incidence of child sexual abuse remains a question difficult to gauge with any degree of certainty, although an informed guess can be made. According to reports, the number of children sexually abused in the United States (during 1992) was about 400,000. The offender was either a parent or a relative in about 40% of the cases, with a preponderance of fathers incestuously abusing their daughters (Doyle, C. 1994).

As we do not have a prevalence study in India, let us look at one more western study to explore myths surrounding child sexual abuse. Salter (1988) provided a table summarizing all the main prevalence studies undertaken between 1925 and 1965. These sought information from adult populations about childhood experiences. On average, 28.5% of the population surveyed remembered instances of being sexually abused as children. The studies examined and tabulated by Salter included subjects from the middle socio-economic brackets, thereby dismissing the theory that this is a problem only to be found among the over-crowded poor or the eccentric aristocracy.

Due to a sense of privacy as well as shame and guilt associated with it in the Indian situation the real problem of sexual abuse outweighs the number known to any register. Also, we do not have any separate laws dealing with child sexual abuse. Hence all forms of abuse meted out to girls are brought under the umbrella of rape.

**AGE DISTRIBUTION OF VICTIMS OF RAPE DURING 1994**

<table>
<thead>
<tr>
<th>City</th>
<th>No. of reported cases</th>
<th>No. of Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&lt; 10</td>
<td>10-16</td>
</tr>
<tr>
<td>Mumbai</td>
<td>150</td>
<td>32</td>
</tr>
<tr>
<td>Calcutta</td>
<td>36</td>
<td>4</td>
</tr>
<tr>
<td>New Delhi</td>
<td>252</td>
<td>44</td>
</tr>
<tr>
<td>Chennai</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>Bangalore</td>
<td>61</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Kali's Yug November 1995, New Delhi

The above table shows that incidence of child rape, averages around 2 cases per day in big cities alone. Such case rose from 634 in 1993 to 734 cases in 1994, thereby showing an increase of 15.8% (Kali's Yug November 1996).

A survey by Samvad, Bangalore of 348 girl students from schools and colleges shows that approximately 24% had experienced sexual abuse at least once in their lives. Of these, 21% were less than 10 years of age, 14% were between 10-14 years of age and 54% were 15 years of age at the time of the abuse.

All these studies clearly reveal the high incidence of child sexual abuse in India by someone known to or trusted by the child.
Legal Interventions

Having looked at the sociological definitions of child sexual abuse, it is important to understand how child sexual abuse is legally constructed or understood in India.

The Indian Penal Code defines sexual offenses through various sections like 375, 376, 354. Special Acts like PITA (Prevention of Immoral Traffic among Person's Act) & Indecent Representation of Women Act also define sexual offenses against women and girl children.

There is a growing body of evidence to show that existing definitions of rape, molestation, etc. do not adequately address the various types of sexual assaults in terms of women or children’s experiences, nor do they sufficiently recognize the gender-specific nature of such crimes. The present law has become outdated in terms of language and intent in that it fails to acknowledge the true nature of sexual assault.

**Section 375 defines rape as follows**: “a man is said to commit rape when he has sexual intercourse with a woman against her will, without her consent or with her consent when it has been obtained by putting her in fear of death or hurt, or with her consent when man knows that he is not her husband and her consent is under mistaken belief of another man, or being lawfully married, or with her consent given under unsoundness of mind or intoxication or similar effect and with, or without her consent when she is under 16 years of age”. (Indian Penal Code, 1980). In 1983, Sec.376 was amended to introduce a minimum punishment of ten years in cases of child rape (please refer to Annexure A). This is the only acknowledgement and concession to child sexual abuse in the Indian laws.

The Indian Penal Code (IPC) framed by the colonial rulers in 1860, is not equipped to deal with present day sexual offenses. In it, sexual offenses are defined in the context of feudal patriarchal relationships. For instance, the offense of rape is defined within the parameters of proprietary rights of males over females within the confines of vaginal penetration and sexual purity. Hence incest and child sexual assault do not find a specific mention in the Indian Penal Code (Flavia Agnes, 1996).

Within the framework of peno-vaginal penetration, the offense of C.S.A. can be tried under three different categories i.e. rape, attempt of rape, outraging modesty more commonly referred to as molestation. The difference between the three is one of "degree of penetration". Here rape refers to complete penetration and an attempt to commit rape is where the accused was / is determined to complete penetration but could not do so. The prosecution has to prove that the accused was determined to gratify his sexual desire or passion 'at all events' and 'in spite of all resistance' (Agnes, 1995). The offense of attempt to commit rape is considered a lesser offense and warrants only half the punishment awarded for rape. Violating a woman’s modesty is also considered a lesser offense and a maximum of two years of punishment can be awarded. A case of sexual assault where the accused could not reach beyond the stage of preparation amounts to outraging a woman’s modesty, when it is combined with force, the accused is considered to be less determined and therefore could not gratify his passion.

In a similar vein, the National Commission for Women has recognised the unique character of the offense of sexual assault and how serious contradictions exist in the legislation that inhibit women as well as children from reporting crimes of sexual abuse.

The committee constituted by the National Commission on Women’s status was responsible for preparing the draft law to deal with the rape of minor children. There are two
major problems with the existing law - one to do with the legal definition of rape and the other to do with an existing contradiction in the law regarding the age of consent and the legal age of a major.

What degree of penetration is essential to constitute the offense of rape? According to the present law the carnal act must be vaginal penetration by penis, so forcible buggery and fellatio (oral sex) are not included within the definition of rape. Therefore, rape can only be committed on girls, not boys. Again insertion of a finger, any other object or attempt at partial penetration does not constitute the offense of rape or in certain cases it is left to the discretion of the investigating and prosecuting agencies. (Please also refer to section on law sections applied).

The legal definition of rape is based on penetration by the man's penis, yet researchers had to deal with the fact that, in the case of very young children, especially those below twelve, complete penetration need not take place at all and yet clearly a "rape" has been committed. Thus, the definition of "rape" has to be expanded to take in a range of violations, in addition to actual penetration by penis.

The second problem concerns the age of a minor. While for all other purposes the legal definition of a minor is anyone up to the age of eighteen, the age of consent in the Indian Law has been set at sixteen years for girls. This contradiction questions the status of girls between the ages of sixteen and eighteen and should they by default, fall outside the purview and protection of any legislation on the rape of minors?

**Sec 377 of I.P.C. - Unnatural offenses:** whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation: penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section.

In practice, section 377 applied to the offenses of oral sex, anal sex, etc. Penetration is the governing factor in the offense of unnatural sexual offenses due to which the status of oral sex is still ambivalent.

**Incest**

Section 150 of the Criminal Code of Canada defines Incest as sexual intercourse between two people who by blood relationships are either parent and child, brother and sister, half brother and half-sister or grand parent and grand child.

Incest is not separately defined in IPC but it is desirable to incorporate such a provision in order to deal effectively with long term or protracted sexual abuse of girl children in the family.

It is important to note that legal reforms can help recognising and validating all forms of abuse, seek convictions and deal with the offender. But to keep C.S.A. in check we need to strive to create a just social order.
METHODOLOGY

The focus of this research is on Girl Child Sexual abuse. Experience at the Special Cell for Women and Children shows that a lot of women are survivors of childhood sexual abuse. Several studies in the West have pointed out that sexual assault is most frequently perpetrated against women and girl children.

It is important to understand issues like the magnitude and nature of child sexual abuse in our country and within the Indian family. It is also important to understand the kind of preventive services and supports that are available in the community. These will help us identify areas of intervention.

In our experience, child sexual abuse is reported when medical and legal help is sought. Hospitals and police therefore become nodal points for any effort to study how child sexual abuse is constructed and dealt with. A collaborative project in the area of violence against women was already ongoing, hence there was access to police data. The Mumbai police were keen to support the project as some of them had recognised child sexual abuse as an important problem for which police were increasingly being called upon to intervene. Police are an organised state apparatus and records of all the cases are kept systematically. The research focussed on secondary data as the researchers did not feel right to disturb the child who has been abused sexually without being able to offer immediate assistance to the child and the family. Thus the research was planned in three phases.

The first phase involved secondary data analysis of the police records combined with a dialogue with police personnel.

The second phase was to be done simultaneously. It would involve creating and mobilising support structures for intervening in the area of child sexual abuse. In India, services to help children and families of children who have faced sexual violence are very few - they are not well developed and are not commonly known or available. Child sexual abuse needs a multi-disciplinary intervention and any such service therefore needs to adopt a multi-disciplinary approach. At the Special Cell there was a need to develop a child centered approach to healing, and also to develop a support centre for abused children, where various facilities are made available to the children. This was part of the Special Cell's future plan. This second phase, which really extends through out the research, is the action oriented phase.

The final phase involved working with the children and their families. Advocacy for the rights of children who are survivors of sexual violence was ingrained in all the three phases of the research.

Sampling Procedure and Data Collection Methods

A total of 1,176 cases of child sexual abuse were registered between 1990-95 in Mumbai. After a dialogue with the police it was decided to concentrate on those cases of sexual assault in which girls were under the age of 10 years. The police had suggested this as one way of delimiting cases.

A total of 57 reported cases (in Mumbai during 1994-95) on sexually abused girls below the age of 10 years were studied.
The data for this study has been taken from all police records pertaining to a particular case; this includes:

- First Information Report (FIR’s)
- Witness statements
- Medical examination reports
- Forensic reports
- Statement of the parties involved
- Charge sheets
- Correspondence with the Prison Administration, Juvenile Courts, Judges. Courts etc.

In 15 cases it was possible to meet and have a dialogue with the offender along with the Investigating Officers. In all the cases a dialogue with the Investigating Officers was possible. Data was collected and tabulated with the help of a code book which had the following broad categories:

- Geographical distribution of cases
- Law sections applied / Legal Intervention
- Victim’s profile
- Offender’s profile
- Nature of abuse.

Some Limitations of this Study

a) Small sample not fully representative of the range of child sexual abuse; hence, generalisations of the findings may be difficult. The data has therefore been presented more in terms of actual number of cases rather than through tests.

b) Interviewing the perpetrators of abuse was not possible in all the cases as some were out on bail and hence untraceable while others were still in judicial custody. The researchers were able to interview those who were in police custody and also a few who were on bail.

c) An unbiased response from the perpetrators was not forthcoming due to reasons like social concern, lawyers’ attitude to perpetrators parting with information.

Objectives of the Study

The study was carried out to document the reported police cases of sexually abused girl children in Mumbai (during 1994-95) with the following objectives:

1. Find demographic, socio-economic and age profiles of the victims and the offenders.

2. Ascertaining the kind of legal intervention carried out by police, medical personnel and court.

3. Compute trends by years of reporting and map prevalence by police station.

4. Identify the forms and the situational context of the abuse.

5. Appraise the available / existing supports from the family and the community.
THE FINDINGS

Table No. 1

<table>
<thead>
<tr>
<th>Zone</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>VII</th>
<th>VIII</th>
<th>IX</th>
<th>X</th>
<th>Port</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>9</td>
<td>8</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>57</td>
</tr>
</tbody>
</table>

There was variation in the number of cases. The highest number of cases, i.e. 4 (7%) out of the 57 cases have been reported at Kherwadi Police Station. The second highest number i.e. 3 (5.3%) have been reported at Agripada, Dharavi, Wadala, Dindoshi & D. N. Nagar Police Stations.

A few police stations have not been represented in the table as the pilot research only concentrated on reported cases of girl children below the age 10 years who have been sexually assaulted during 1994-95.

1. Place of occurrence

Table No. 2

<table>
<thead>
<tr>
<th>Place of Occurrence</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim's place</td>
<td>9</td>
<td>15.8</td>
</tr>
<tr>
<td>Offender's house</td>
<td>23</td>
<td>40.4</td>
</tr>
<tr>
<td>Park / Garden</td>
<td>14</td>
<td>24.6</td>
</tr>
<tr>
<td>Temple</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>Toilet (Public)</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>Offender's Work Place</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>Public Place</td>
<td>3</td>
<td>5.3</td>
</tr>
<tr>
<td>Offender's relative's house</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>Missing</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>57</td>
<td>100.0</td>
</tr>
</tbody>
</table>

This table explodes another myth that all rapes happen in dark alleys. Here, a large number i.e. 23 out of 57 children (40.4%) have been abused or assaulted in offender's house. It implies that the offender is often known to the child and her family. The offenders are trusted to take care of the child or they are popular among the children and thus have easy access to the girl child and authority over her. In two cases (3.5%) the place of offense is the
offenders work place. Both these offenders lived and worked in the same premises. Thus the actual number of cases in this category would be 25 out of 57 cases (43.9%).

In 9 cases (15.8%) the place of abuse is the girl child's house. Out of these, in only one case (involving the rape of a three month girl) was the offender a stranger.

In about 20 cases (35.1%) the child was sexually abused in public spaces such as a garden, creek, building halls, common area in chawls, public toilets etc. On the other hand 36 children (63.2%) had been sexually abused in the house of the accused or the victim or any other house. This shows that majority of the children are abused within the four walls of a home which is considered to be safe and secure.

2. Hour of occurrence and registration

The highest number of cases i.e. 38 out of 57 (66.6%) had occurred between 2 p.m. to 9 p.m. and as many as 31 out of 57 cases (54.3%) were registered between 8.00 a.m. to 1.00 p.m.

3. Period between occurrence and registration

The importance of this table is to understand how soon the abuse had been registered with the police. It also measures the time it took the family and the police to act on the information - it has serious implications for evidence.

<table>
<thead>
<tr>
<th>Table No. 3</th>
<th>Period between occurrence and registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency</td>
<td>%</td>
</tr>
<tr>
<td>Within 24 hours</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>78.9</td>
</tr>
<tr>
<td>9</td>
<td>15.6</td>
</tr>
<tr>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>57</td>
<td>100.0</td>
</tr>
</tbody>
</table>

A large proportion of cases i.e. 45 out of 57 cases (78.9%) were registered with the police within 24 hours of its occurrence. Contact with the police as quickly as possible is important. Delay in reporting reduces the chance of forensic evidence being found and also damages the credibility of the victim. Curiously, the police assume that if the child has been sexually assaulted or raped, people around the child will immediately complain. The police does not consider that a child who in a state of shock might not be able to verbalize her experience or might even be under the effect of a threat of further injury. Also there have been cases where mothers have waited for their husbands to come home after work and then decide on whether to approach the police station or not.

From the above table it is learnt that only one case was registered between 31 days to 1 year. In this particular case, the delay was approximately for about 70 - 75 days and the offender was involved in a series of child assault cases. While investigating those cases, this
4 Law Section Applied

Table No.4

<table>
<thead>
<tr>
<th>Section Applied</th>
<th>No. of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 34 (Common Interventions)</td>
<td>1</td>
</tr>
<tr>
<td>Sec. 302 (Murder)</td>
<td>1</td>
</tr>
<tr>
<td>Sec. 324 (Grievous Hurt)</td>
<td>1</td>
</tr>
<tr>
<td>Sec. 342 (Wrongful Confinement)</td>
<td>5</td>
</tr>
<tr>
<td>Sec. 354 (Outraging Modesty)</td>
<td>7</td>
</tr>
<tr>
<td>Sec. 363 (Punishment for Kidnapping)</td>
<td>9</td>
</tr>
<tr>
<td>Sec. 366A (Procurement of Minor Girl)</td>
<td>2</td>
</tr>
<tr>
<td>Sec. 376 (Rape)</td>
<td>54</td>
</tr>
<tr>
<td>Sec. 377 (Unnatural Offenses)</td>
<td></td>
</tr>
<tr>
<td>Sec. 482 (House Trespass)</td>
<td></td>
</tr>
<tr>
<td>Sec. 50 (Indecency)</td>
<td>4</td>
</tr>
<tr>
<td>Sec. 51 (Cruelty to wife)</td>
<td>5</td>
</tr>
</tbody>
</table>

(Ref: to Annexure 'A' for a detailed account on the section)

Section 376 of the IPC which pertains to rape has been applied most frequently i.e. in 54 cases out of 57 cases (94.7%). This implies that in a large number of cases, the crime has come to light and been reported to the police only because of the nature of offense involved, i.e. Rape. Section 363 of the IPC which pertains to kidnapping has been applied in 10 cases (15.8%) where children were forcibly picked up for the purpose of abuse. For instance, in one case, a girl child was picked up from the pavement while in another case, a girl child was picked up from the common water supply area and sexually abused.

Section 354 of the IPC deals with molestation and has been applied in 7 cases out of the 57 cases (i.e.12.3%). While interpreting this section, it must be borne in mind that in practice molestation covers partial penetration, finger penetration or attempt at penetration. In India as we do not have a comprehensive law covering all the different forms of abuse, legal categories are found limited in perspective in application. In practice partial penetration, finger penetration and attempt at penetration is sometimes recorded as rape and at other times as molestation depending on the discretion of prosecuting agencies. In the absence of a comprehensive law covering all the abuse experienced by children, their experience therefore either gets minimised or goes unrecorded by the legal categories. The patriarchal understanding of penetration as the ultimate offence and therefore losing virginity (or a
membrane) as the ultimate trauma suffered by the girl child is reinforced. It reduces the severity of offense and reduces the deterrent value of the law and the prosecution. (It also increases the likelihood of creating sympathy for the abuser).

Section 511 of the IPC deals with “Attempt to commit an offense” and has been applied in 5 cases i.e. 8.8%. As mentioned earlier, Section 511 has to be written with Section 376 and Section 377 to describe offense of attempt to commit rape or attempt to commit unnatural sexual offenses.

In one case the statement recorded abuse as brushing the penis to vagina and thereby gaining satisfaction which was understood to be in the form of ejaculation.

In the second case the statement recorded abuse, as brushing of penis to vagina and attempting to penetrate anus. In this instance the child's statement recorded that when the offender went to wash himself she ran away from his house. This, we think, reflects on either finger penetration or ejaculation.

In the other two cases the statements recorded reflected partial penetration of the vagina. In one case it was indicated by presence of semen on the girl child's thighs and her vagina was found to be sticky. In the other case semen was found on the girl's under garment.

In the fifth case the child was made to have oral sex and accused had partially penetrated the child's vagina. As pointed earlier determination to gain sexual satisfaction is the criteria used to record the offense as an attempt to commit.

In our legal system the girl child's experience of abuse is to be recorded under certain sections of the law. Consequently the argument is built to satisfy legal requirement of that particular section. For instance Sec 376 r/w Section 511 of the I.P.C. revolves around penetration and determination to gain sexual satisfaction (read as ejaculation). In doing so the child's experience of abuse is very often reduced and the severity of offense thus gets diluted. In other words, translating the child's account of abuse into a legal account causes displacement of text. The problem is compounded as the laws relating to sexual abuse revolve around patriarchal notions of male and female sexuality.

Section 377 of the IPC dealing with unnatural practices has been applied in four cases (i.e. 7%). In two cases out of four, sodomy (oral sex) as well as peno-vaginal penetration had been committed and in the third case sodomy was committed along with partial penetration of vagina and finger penetration, yet in this case legal section pertaining to rape was not applied. The case was originally registered under Sec 354, i.e molestation; later, in the police hospital, it was found that the child has been anally penetrated. Subsequently, section 377 was applied.

In the fourth case the child was forced to suck the offender's penis along with peno-vaginal penetration. In this instance oral sex was recorded as unnatural offense, yet in another case of oral sex, Sec 377 pertaining to unnatural offenses was not applied. The child's statement taken by a clinical psychologist clearly depicted forcible oral sex; yet, the case was recorded under rape and molestation only.

In the course of writing, it was realised that the criteria upon which various sections of law are invoked / applied in particular cases should also be the focus of the study or should have been an important research question of a research carried out with police.
Table No. 5

<table>
<thead>
<tr>
<th>Threat to the Child</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threat to child's life</td>
<td>25</td>
<td>43.9</td>
</tr>
<tr>
<td>Told to keep it a secret</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>No information</td>
<td>30</td>
<td>47.9</td>
</tr>
<tr>
<td>TOTAL</td>
<td>57</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Section 504 of the IPC deals with criminal intimidation and has been applied in four cases. It must be remembered that in 25 cases (table attached) children have been threatened but the section has been applied to only 4 cases where threats were probably considered grave or where it was coupled with tying girls eyes or clamping their mouths. As a worker intervening in the field of child sexual abuse, one knows that any kind of threat made by an offender is grave. The child is powerless due to her age, physical strength, exposure and economic and / or emotional dependence on the offender (a known person in most cases). This in turn means that the girl is not able to exercise her right to say no to the abuse or her 'no' is considered inconsequential.

Section 452 of the IPC pertains to house trespass and has been applied in only one case. In this case, the offender had raped the girl child in her house. From the earlier table it can be noted that for 9 out of the 57 cases, the place of occurrence of offense is the girl child's house. However, the section has been applied to only one case.

Section 302 of the IPC pertaining to the murder has been applied in one case along with Sec.363 of the IPC and Sec 376 of the IPC. In this case, the girl child was raped and murdered by her biological father.

From the discussion of legal break up of cases, it is evident that only serious cases have been reported to the police. As practitioners, it is known that children are often sexually abused by persons long known to them. The abuse does not necessarily entail peno-vaginal penetration - in fact, it is likely that even all cases of peno-vaginal penetration may not be reported to the police. Thus, the reporting of the offense is much less than the occurrence, from the point of view of nature of offenses as well as their number.
In the majority of cases (32 cases or 56.1%) the mother informed the police about the sexual abuse of the girl child, and in 10 cases (17.5%), it was the fathers who approached the police. The parents together counted for 42 cases (73.6%). But the number of mothers is disproportionately large. This reflects that child care and protection are still largely the domain and responsibility of the mother in majority of households. Otherwise, the women in our cultural context do not have the space to approach or negotiate with the police. This is very evident from the fact that in 40 cases, the girl children informed their mothers of the abuse. An important finding is that the category neighbour is not represented at all in the table. Probably, it means that neighbours are not willing to take the onus of approaching the police or that there is no neighbourhood support in the area of girl child sexual abuse. On the other hand, neighbours form an important category of offenders. The bulk of the reporting to the police is therefore by the family. It was observed that when perpetrators of abuse were outside the family, it was easier to report the abuse to the police but when the perpetrator of abuse is a family member (including the extended family), the chances of the abuse being reported to the police is less. Surprisingly, in as many 7 cases (12.3%) the girl child is herself an informant similar to what has been observed in the Western world where most cases of C.S.A are reported by the girl child herself.
It is indeed heartening to learn that 92.5% of the accused were arrested almost immediately. Only two of the accused could not be identified and another two were absconding. It is important to note that the girls are all below 10 years of age and the bias of the prosecuting agencies is definitely towards the girl child. It would be interesting to find out the percentage of accused arrested in all cases of girl child sexual abuse. As with the girls above 10 years of age there could be a sharing of responsibilities for the abused between the girl child and offender by investigating agencies. There is a notion that the accused and the girl child had a relationship, or that the girl consented for it either actively by going with the accused or passively by hiding / not revealing the crime after it was committed. Thus the girls are made, by an intricate series of myths and by the consequent behaviour of adults, to feel responsible for sexual assaults committed against them.

More than half the accused were not granted bail and from among those accused who were granted bail in four cases the accused were asked to visit the police station everyday for a specific period of time as a condition of bail. In one case the accused was asked to vacate the area of residence of the child as a condition for the bail so that the child and the family could feel safe. This is a positive step by the judiciary and it also acts as a deterrent to the abuser.

Out of the 22 accused who were granted bail, 15 were below the age of 18 years and hence the bail was granted through the juvenile court. We feel that the researches in future
should direct their energies to investigate and examine the interventions of the Juvenile court in the cases of sexual abuse where the accused is also a minor.

7. Evidence and Its Use

Evidence, or rather the lack of it, is a legal problem in many cases, particularly where the abuse has been "non-violent". Corroborative evidence is defined as "independent testimony which confirms in some material particular not only that the crime has been committed but that the defendant committed it".

Evidence could be either medical or forensic:

Here we need to remember that child sexual abuse does not always result in clear physical signs, so evidence depends on verbal and circumstantial proof. Although there are recognizable signs and symptoms, many sexually abused girls have no physical signs or only very transitory ones, such as reddening of the skin or mucous whereas some have very obvious physical damage which gets reflected in medical evidence.

Medical Reports:

<table>
<thead>
<tr>
<th>Medical Evidence</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hymen Torn</td>
<td>19</td>
</tr>
<tr>
<td>Hymen intact</td>
<td>17</td>
</tr>
<tr>
<td>Hymen intact but abrasions</td>
<td>14</td>
</tr>
<tr>
<td>Hymen Torn + abrasions</td>
<td>6</td>
</tr>
<tr>
<td>Elasticity lost of anus + Abrasion</td>
<td>3</td>
</tr>
<tr>
<td>Not known</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>57</strong></td>
</tr>
</tbody>
</table>

Medical reports do not always necessarily reflect penetration. Hence it is important to look for other signs indicating sexual activity. Our law defines rape or sexual assault in terms of penetration. In the absence of medical evidence of penetration it becomes very difficult to prove the offense in the court of law and thus the abuser goes free. Thus it is felt that the abuse should be seen as a matter of violation and not with the presence or absence of evidence which show sign of penetration.

Reports revealed that semen was found on clothes in 23 cases and blood was found in only 21 cases on either the girl child or on the assailter. Out of these reports in only 16 cases was the evidence cited as conclusive evidence or corroborating evidence where blood / semen found on the clothes, matched with the blood group / semen of the accused. All other 31 cases were stated as inconclusive or not known - in these, the decision to prosecute would be based on the availability of conclusive evidence. Problems invariably arise, not so
much in establishing the identity of the assaulter who may be well known to the child, as in
proving the offense "beyond reasonable doubt" or connecting / linking the offender to the
crime and the site of crime.

Physical and Behavioural Indicators of Sexual Abuse:

Sexual abuse is not often identified through physical or chemical indicators alone.
Frequently, a child confides in a trusted person (mother, friend, neighbour, kin) that she has
been sexually assaulted or molested by a family member, caretaker or a family acquaintance.
There are, however, some physical signs of sexual abuse which were found during the study
such as difficulty in walking, urinating, torn clothes, blood stained underclothes, complaint of
pain / itching in the pubic area, bruises and bleeding. Some girl children were found to have
reduced appetite and disturbances in sleep after the abuse. One girl child could not stop
crying till the abuse was discovered. In some cases the children were very nervous and
scared. Parents and other adults need to be alert to these behavioural indicators among
children. This useful information was fortunately noticed and included in police records which
show the sensitivity of the system and helps to plan further interventions by other
professionals.

Hospitalisation of the Victim:

<table>
<thead>
<tr>
<th>Duration</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>NIL</td>
<td>28</td>
</tr>
<tr>
<td>1 - 3 days</td>
<td>10</td>
</tr>
<tr>
<td>4 - 60 days</td>
<td>17</td>
</tr>
<tr>
<td>Not known</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>55</td>
</tr>
</tbody>
</table>

Sexual abuse is so stigmatizing that only the most serious cases are discovered and
only the most seriously affected victims seek help. In this study almost 50% of the girls were
hospitalised from 1 day to 60 days. Some were hospitalized for fewer days as they suffered
minor abrasions and trauma, whereas other were injured gravely during the assault like
rupturing their anus or vagina or tear in the uterus and had to be kept in the hospital for long
periods. In many cases the girl children bled profusely and in one case the girl child bled for
nearly 12 days after the abuse. In another case the girl child contracted venereal disease
from the abuser and had developed ulceration over her labia-majora.
### Table No. 11

**Distribution of cases by Age of the Girl Child**

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 2</td>
<td>2</td>
<td>3.6</td>
</tr>
<tr>
<td>3 – 4</td>
<td>14</td>
<td>24.6</td>
</tr>
<tr>
<td>5 – 6</td>
<td>9</td>
<td>15.7</td>
</tr>
<tr>
<td>7 – 8</td>
<td>21</td>
<td>37.2</td>
</tr>
<tr>
<td>9 – 10</td>
<td>10</td>
<td>19.3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>57</td>
<td>100.0</td>
</tr>
</tbody>
</table>

From the above table, it appears that the age of onset of abuse is around 3 years and it shows increased vulnerability at around 7 years of age; it could be, of course, that the abuse gets disclosed or discovered only when the child is 7 years or older. The possible reason could be that at around 3 years of age the child becomes social and achieves independent mobility, visits neighbours and goes out to play. Also, when the child is young it is easy to disguise abuse as affection by family members or others. When the child is 7 years and older, they are of a school going age and probably with peer group interaction the child realises that what is going on is incorrect and should not be happening. For men, it is easy to justify that the child is not very young and is enjoying their advances or in fact wants it.

It is important to note that only the reported cases of girl child abuse are being looked at and the age of the child at the time of the reporting could be in a great many cases some years after the onset of abuse.

### Table No. 12

**Schooling of the Girl Child**

<table>
<thead>
<tr>
<th>Schooling (Standards I – V)</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable (&lt; 4 years)</td>
<td>16</td>
<td>22.1</td>
</tr>
<tr>
<td>School Dropout</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>No Schooling</td>
<td>6</td>
<td>14.0</td>
</tr>
<tr>
<td>Schooling (Standards I – V)</td>
<td>32</td>
<td>56.1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>57</td>
<td>100.0</td>
</tr>
</tbody>
</table>
As is evident from the table, more than half (56%) of the girl children were school-going and studying from the first to fifth standards. It means that school is an important agency in early identification and appropriate referrals. Schools will thus form an important part of the action system to work on C.S.A.

Sex education programmes in school needs to start early and preventive programmes could be a strong component of this. Some elements of this should be not interacting with strangers, learning to say ‘No’, dealing with authority, differentiating between good touch and bad touch, agencies/people who could be approached for help, assertiveness training, etc. Counsellors or social workers in schools could play an important preventive, promotive and rehabilitative role.

<table>
<thead>
<tr>
<th>Religion</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindu</td>
<td>44</td>
<td>77.2</td>
</tr>
<tr>
<td>Muslim</td>
<td>11</td>
<td>19.3</td>
</tr>
<tr>
<td>Christian</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>Buddhist</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>57</td>
<td>100.0</td>
</tr>
</tbody>
</table>

It is clear from the above table that girl children of different communities are sexually abused and the problem cuts across religious boundaries.

Abuser's Profile:

Men account for the majority of child abusers, both inside and outside the family. The abusers in the study were all men as only the police cases of reported rapes on girls were looked at.
Age of the Accused

Table No. 14

Distribution of cases by Age of the Accused

<table>
<thead>
<tr>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>5.3</td>
</tr>
<tr>
<td>18</td>
<td>31.5</td>
</tr>
<tr>
<td>22</td>
<td>38.6</td>
</tr>
<tr>
<td>5</td>
<td>8.2</td>
</tr>
<tr>
<td>7</td>
<td>12.3</td>
</tr>
<tr>
<td>4</td>
<td>1.8</td>
</tr>
<tr>
<td><strong>57</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Men / people of all ages can be abusers. In this study the accused are in the range of 12 years to 62 years with 70% falling in the 13 to 29 age bracket. This does not mean, however, that when a person reaches the age of 62 years, the offensive behaviour will automatically stop. Doyle (1984) says in her study that as long as a person is capable of any form of sexual activity he is equally capable of abusive behaviour. Some abusers have used their image as harmless, gentle, trustworthy grandfather figure to lull children and parent alike into a false sense of security, and have then abused the children.

Sexual assaults Committed by minors

It is worth noting in the above table of age distribution, about 30.4 % of the offenders (that is 17 out of 57 cases) were aged less than 18; this is a matter of both sociological and substantive concern.

Many a time sexual assault by minors or young boys is glossed over. One of the reasons of doing this could be because sexual abuse by minors bring to light inadequacies of the family functioning which threatens the traditional glorified family image. Another feminist explanation brings up the true dynamics of sexual abuse. Sexual abuse is not based on an adult - child power imbalance, which is a familiar and unthreatening concept for most of us, but a male- female power imbalance, which is frightening for both sexes to expose (E. Driver, 1990).

The study had 17 adolescent boys who committed rapes on young girls under the age of 10 years. With adolescent and young children there is a belief that they are not true abusers, because while they may be overpowering another child in some way, the activities they are engaging in are only sexual in the view of adults. Any arousal is incidental and the dominant child is simply acting out his own experiences. Young children do so because they have themselves been sexualised. They should not be labeled ‘sex abusers’.

This research has shown us that this argument does not hold true as these young boys took enough precautions to prevent the abuse from getting disclosed, most of them were aware of the sexual nature of the activity. One striking example of this is two instances
where young boys aged 17 and 18 years poured coconut oil in the girl child's vagina to lubricate it and smoothen the passage for penetration. This clearly reveals that the boys were not ignorant, that they had their plan of action premeditated. The fact is also born out when one realises that many young boys choose 'attic' (which is inside the house) as the place to take these girl children and took measures to hide the crime. A lot of these young boys had been watching pornographic movies and admitted to sexual curiosity.

An 18 year old boy, one of the two boys who were party to a gang rape has admitted that he had seen his 19 year old friend sexually abusing his female cousin (7 years old). The 19 year old friend entered into a bargain with him, the terms of which were such that the female cousin could be abused by this 18 year old boy as well and in turn he would keep quite about the abuse that he had witnessed. Such a trade off reflects clearly upon our culture which upholds unequal power relations between the sexes.

A 14 year old boy was accused of raping a 3 year old girl - the young boy admitted to the rape charges and said that he did not know how it happened. In the ensuing dialogue on an enquiry about sex and the sexual act, he said that he knew about it through films, peer group talks etc. Still later when we were enquiring about exposure to pornographic (literature or movie, etc.) he admitted to having seen two or three blue movies. From conversations it was evident that the boy knew about sex and had seen sexual acts in films. However, though he took recourse to an excuse of not knowing how it happened, when confronted he neither denied nor was he willing to say anything more than that rape was an unconscious act.

These cases here are an attempt to substantiate the argument that the male-female power imbalance and not just adult-child power equation needs to be considered when deliberating on the involvement of minor boys as sex offenders.

In another striking case a 17 year old boy was accused of attempting to rape a 7 year old girl, both neighbours residing within the Wadala Police Station jurisdiction. The boy was playing 'Bhut Bhut' (a form of dark house) with the girl and her brother. During the play he took the girl on the attic inside the house, covered them with bed sheet and attempted to rape her, the child started crying and in the meanwhile the girl's mother called for her to do some work and the boy thus left her. The child complained to the mother as she was scared and was crying and a police complaint was lodged. When discussed, the boy denied the charges and said that he was being framed by the child's mother in order to protect herself. According to the boy, the girl child's mother had previously had sexual relations with him and now feared that he would inform her husband and was therefore implicating him in attempting to rape her daughter. This was the only case in the research where the accused / offender had said that he was abused sexually.

Social workers and feminists believe that young boys have been sexually abused by adult women and therefore do not want to project in any way that the boy child may not have been abused. Nonetheless a few anomalies should be pointed out.

Firstly, this particular piece of information was not given to any of the agencies involved i.e. police, courts, lawyer, in the bail application or even to his family i.e. it has come quite late in the sequence of events.

Secondly, according to the boy's version the girl's mother had sexual relations with him sometime back and he did not have any reasons as to why she waited so long to implicate him in a case and why she feared a disclosure from the boy child now and not earlier?
Thirdly, according to the boy, they were playing and hiding in the attic and the fact that he had covered them with a bed sheet refutes the possibility that the girl child was instigated by the mother to identify this boy as offender and be a party to her play. It might be said that the boy didn’t know or trust the researchers to give full information. These instances have been recorded to understand involvement of minor boys as sex offenders.

This does not, however, mean that their behaviour should be allowed to continue or be condoned. Both the child and the victim need attention and help.

### Table No. 15

<table>
<thead>
<tr>
<th>Religion</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindu</td>
<td>35</td>
<td>61.4</td>
</tr>
<tr>
<td>Muslim</td>
<td>18</td>
<td>31.6</td>
</tr>
<tr>
<td>Christian</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>Buddhist</td>
<td>3</td>
<td>2.3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>57</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

As the above table shows, the sexual offenders come from varied range of cultural groups and have varied religious affiliations. Some cultures or religious groups may not be represented here or are under-represented as the sample is small. However, it is not possible to say that one cannot be a child sex offender because he comes from a specific religious background.

### Table No. 16

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>Permanent Employment</td>
<td>9</td>
<td>15.8</td>
</tr>
<tr>
<td>Temporary Employment</td>
<td>8</td>
<td>14.0</td>
</tr>
<tr>
<td>Daily wages</td>
<td>4</td>
<td>7.0</td>
</tr>
<tr>
<td>Self started small business</td>
<td>9</td>
<td>15.8</td>
</tr>
<tr>
<td>Studying</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>Not known</td>
<td>7</td>
<td>12.3</td>
</tr>
<tr>
<td>Unemployed</td>
<td>8</td>
<td>14.8</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>57</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

What is clear from the above table is that varied occupations (having different income levels) are represented to a greater or lesser extent. The table shows that 15.8% offenders were unemployed but a significant number were in employed (85.2%)

A number of occupations were represented. They included those in business, service (permanent or temporary service as helper, peons), daily wage earners, skilled or unskilled
labour like construction workers, coolies, contract workers and also self-employed people having small businesses like pan shops, etc. A stereotype image of child sexual offenders as uneducated, unemployed vagrants has been challenged.

Offenders Relationship to the Child

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Father</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>Neighbour</td>
<td>33</td>
<td>68.4</td>
</tr>
<tr>
<td>Male Cousin</td>
<td>4</td>
<td>7.0</td>
</tr>
<tr>
<td>Family friend</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>Acquaintancen</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>Stranger</td>
<td>6</td>
<td>14.0</td>
</tr>
<tr>
<td>Teacher</td>
<td>1</td>
<td>1.8</td>
</tr>
<tr>
<td>Unknown</td>
<td>8</td>
<td>15.8</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>57</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

One great fear, overshadowing probably the majority of parents, is that of their child being abused by a stranger. But most research studies abroad, as well as the present work, shows that many abused children know their assailant.

A large number of cases (68.4%) in the study show that the offender was a neighbour of the child, but not a relative or family member (see the above table). Sometimes the offenders were older children in the community whose own games became sexually coercive and abusive to younger or weaker children. Some of the offenders were in fact popular among children or who played regularly with the children. It was also observed that there were offenders who were neighbours and lived around as a lonely grand-father-figure or uncle type. They also had a position of trust in the community and thus had legitimate reasons for befriending children. One of the accused was involved in a series of C.S.A. cases and his mother was well connected in the community. She was lonely and the neighbourhood girls helped in her household chores in her absence. These visits had commenced before he came from his native place (where he used to stay with his matrimonial uncle) to stay with his mother. In this instance the offender was not popular among children but he used his mother's popularity. Even the belief that C.S.A. offenders are not settled people but keep shifting residence etc. is not entirely upheld by our research. Those who have settled residences are likely to be trusted more in the community and are found among the offenders as much as those who do not have a permanent residence or who live in a locality temporarily.
Marital Status of the abuser

Table No. 18

Distribution of cases by Marital status of the abuser

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>40</td>
<td>70.2</td>
</tr>
<tr>
<td>Married</td>
<td>5</td>
<td>8.8</td>
</tr>
<tr>
<td>Widowed</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Separated</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Wife away</td>
<td>8</td>
<td>14.0</td>
</tr>
<tr>
<td>Don't know</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>7</td>
<td>100.0</td>
</tr>
</tbody>
</table>

It can be noted from the table that the largest number of cases (70%) had the accused as single at the time of occurrence of offense. In nearly 25% of the cases the accused were married and in 8 cases (14%) the husband and wife were temporarily living apart from each other at the time of occurrence of offense.

Alcohol and drug dependency of the abuser

Table No. 19

<table>
<thead>
<tr>
<th>Drug / Alcohol dependency</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of Drugs</td>
<td>2</td>
</tr>
<tr>
<td>Use of Alcohol</td>
<td>10</td>
</tr>
<tr>
<td>Data not available</td>
<td>45</td>
</tr>
<tr>
<td>TOTAL</td>
<td>57</td>
</tr>
</tbody>
</table>

Alcohol is frequently used by perpetrators as an excuse. It is certain that alcohol is a causal factor. Reported cases for the alcohol related cases are 10. This just shows that alcohol involvement accompanies sexual abuse in 17.5% of cases meaning that the offender was an alcoholic and was drinking at the time of the offense. Most interesting is also the fact that though offenders might use (in this research about three have used this excuse) alcoholic stupor as an excuse to say they did not know what they were doing or could not control themselves. All the other choices that they make such as choice of the victim, choice of time and place of offense and safety measures undertaken to hide the crime, to threaten the child not to disclose the crime only point to "alcoholic stupor" as not affecting the
offenders. Their persuading powers do not seem to have been affected in terms of their very rational reasons used to get the child inside their house.

According to Doyle (1994) alcohol acts as dis-inhibitor, rather than effecting a personality change. She says that "Child assaulters have sexual orientation towards children". Our research supports this view.

Forms of Abuse

Unimaginable though it may be to those who are unfamiliar with sexually offending behaviour, children are subjected to almost every form of sexual activity.

<table>
<thead>
<tr>
<th>Forms of Sexual Abuse</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oral</td>
<td>2</td>
</tr>
<tr>
<td>Anal</td>
<td>4</td>
</tr>
<tr>
<td>Vaginal</td>
<td>42</td>
</tr>
<tr>
<td>Finger penetration</td>
<td>11</td>
</tr>
<tr>
<td>Object penetration</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>57</strong></td>
</tr>
</tbody>
</table>

Sexual abuse could involve both touching as well as non-contact abuse. Some people perceive that non-touching form of sexual activity can be irritating but not abusive. Violation of body is considered "the" violation. Even in this, penetration is considered the ultimate sexual violation whereas anything that falls short of penetration is not sexual abuse. Unfortunately, even the law supports this point of view.
Table No. 21

Justification of the abuse

<table>
<thead>
<tr>
<th>justification</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Urge</td>
<td>17</td>
</tr>
<tr>
<td>Will go scotfree / Abuse will not get disclosed / No</td>
<td>5</td>
</tr>
<tr>
<td>resistance</td>
<td></td>
</tr>
<tr>
<td>Taking advantage of the situation / easy access /</td>
<td>12</td>
</tr>
<tr>
<td>curiosity</td>
<td></td>
</tr>
<tr>
<td>No justification / not admitted</td>
<td>21</td>
</tr>
<tr>
<td>Revenge</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>57</td>
</tr>
</tbody>
</table>

The above data has been put together by the researcher from various sources. The accused were interviewed in some cases where after much probing and assurances that the data would not be used against them in the Court, and would be confidential, a few of them mentioned the reasons for having sexual relationship with the child. Most of the accused had not admitted in the police station the reasons for raping / molesting the child. In 21 cases data was unavailable regarding justification for the abuse and even Investigating Officers had not asked or did not know the reason for abuse.

In 17 cases the crime was motivated by an urge to gratify sexual desires. In the other 12 cases the accused thought that the abuse may not get disclosed as the victim was a child and that he might never get caught. “Children put up little or no resistance” was also the idea behind choosing girl children.

In 12 cases the accused said that they had easy access to the child and they took advantage of the situation where alone with them.

Two cases were reported as revenge against the family / mother. Our patriarchal culture has rooted this idea of taking revenge by dishonouring or raping a girl of that family.

In news reports, rape of adult women is projected as violations or crimes of passion where the offender is unable to control his lust and attacks a girl purely out of sexual frustration. Most often the insinuation that the girl aroused or even encouraged the offender by her conduct, appearance or communication is intrinsic in the news reports.

But this 'shifting of blame' is not possible when it comes to abuse of minor girls. The motivation of the abuser could be understood as a desire to establish supremacy / power over the girl by possessing her sexuality or that the abuser has definite sexual orientation towards children.
Motivation

There are two trends-currents explaining the motives behind sexual assault on women and girl children. In one, sexual assault is seen as an act of aggression or violence against women wherein establishing male supremacy or power and authority of man (offender) is understood to be the driving force. Sexual violence is seen as violence against women and violation of her human rights.

The other current emphasis on the sexual nature of the aggressive act is the acknowledgement that men/assailers had a sexual urge/desire and that sexual satisfaction was one of the goals of assault.

It was a struggle to understand and place the motives or excuses or, justifications as given by the men with whom dialogues took place. A number of them admitted to the sexual urge and also to sexual satisfaction. Accordingly, it is understood that C.S.A is a gendered crime and found that both the schools of thought in combination prove to be a better analytical tool and explanatory concept. To rephrase, it is believed that relations between the sexes is socially organized and constructed. It is understood that both the male-female power equation as well as adult-child power imbalance impacts C.S.A. It is the prevalent patriarchal order that promulgates men's sexuality as 'driven', 'uncontrollable', 'aggressive', needing immediate satisfaction.

These values are reflected in the excuses given such as "my wife was away and I needed to have sexual relations" that the girl child knew about sex and "she wanted it", or "she provoked me by falling all over me".

The child factor seemed to be emerging as a dominant reason i.e. the child does not have knowledge to understand the act as sexual or as a crime.

The child does not have language to describe her experience.

The child will not be believed or that the family will keep quite to protect their honour.

The child will not be able to resist in any physical manner as well as the child will not adopt any retaliatory measures was also an important consideration in choosing child victims.

Several offenders kept saying that 'they have erred' and should be forgiven. They also admitted to the idea that they wouldn't be punished and will go scot free. It seemed that they accept abuse as an error only when 'caught'. The uncontrollable nature of male sexuality was also resorted to as an excuse but, as mentioned earlier, the offenders exerted tremendous control over the entire situation right from choosing the age of the victims to time and place of the offense, etc. Perhaps, this tremendous exercise of control did not extend to sexuality.
CONCLUSION

In the past decade we have come to understand that child abuse is a social problem, not merely an individual crime. The cause of abuse cannot be located simply in psychopathology, but involves a number of social factors, such as poverty, isolation and overwork combined with individual propensities to produce abusers of children. Understanding the problem as social, means that law enforcement and professional psychotherapy alone cannot provide solutions and support services are required as well. This understanding has been a very important break through. It represented a break with the Victorian legacy of romanticizing family life and mythologizing "normal" relations between parents and children as respectful and harmonious. The result was often to punish doubly the victims / survivors of family violence by hiding their problems and sometimes even blaming the victims. The discovery of the widespread incidence of child sexual abuse and its redefinition as socially constructed has helped understanding C.S.A. in all its complexities and as a gendered crime.

Child Sexual Abuse needs to be contextualised within an understanding of the family and the civil society with its political, economic and legal institutions. All the sites of oppression of women are also clearly sites of oppression of children and girl children. Feminist understanding sees the issue of C.S.A. in term of male-female power imbalance as well as adult-child power equation.

- Analysis has shown that normally, the more serious cases of abuse get reported to the police.
- One common myth is that very young children do not get raped as they are "not ready for sex" was refuted by our study. This study reveals that infants as young as three months also get raped.
- According to the study, when the child reaches school going age (around seven years), she is able to articulate and partially understand that she is being violated. Younger children, especially infants, lack this comprehension and the language. This may explain the sudden increase in reporting at the age of seven.
- From the data we have found that sexual abuse in the family does not get reported to the police. Only one case of sexual abuse in the family is reported in our research as it involved murder. More investigations are needed to understand sexual abuse in the family.
- It was very encouraging to find that most cases were reported within 24 hours of the offense and police action was immediate. But it is worth noting that, in certain cases where the abuse is not a one time offense immediacy is not applicable.
- Another myth that abusers are often poor, unemployed men is refuted by this study. The majority of the offenders were permanently employed or self employed or in business.
- A common myth that abuse takes place at night in dark alleys by strangers is exploded by the study. The highest number of cases (38 out of 57) have occurred between 2 p.m. and 9 p.m. About 56% of cases of abuse took place either in the victims' home or in the offenders' house. The notion that the home is a safe place for children is exploded. In majority of the cases, the offender was known to the family and therefore had access to the child. Neighbours, cousins, family friends and acquaintances formed the common categories of offenders.
- Child Sexual Abuse cuts across all categories of class, caste, religion, educational background and age, both of the victims and the offenders.
- Investigating agencies have made use of different legal sections such as kidnapping, criminal intimidation, wrongful confinement etc. along with the ones which substantially
defined / depended on the nature of abuse such as rape or anal sex etc. Police experience shows difficulties in securing convictions for several sexual offenses and using all the other legal provisions is also one way of ensuring convictions under these headings.

- Abuse by familiar and known person is most often in the form of graduation, where 'Graduation' can be understood in different ways. The abuse may start from developing authority over the child, playing, fondling to rape, but this is not necessarily true for all cases. In certain cases, CSA by familiar and known persons may start with grossly aggressive forms of sexual abuse.

- Statements taken by the IOs mostly revolve around one episode of C.S.A. as C.S.A. is considered a one time offense and no history is therefore looked at or questioned. In cases of C.S.A the onset of abuse is much before the reporting of abuse to the police. The police record abuse only after 'that' incidence of crime is reported, so a lot of other abuse is missed out depending on what evidence it gets.

- Today, medical examination / evidence plays a crucial role and is significant in securing a conviction. Increase in the number of acquittals in cases of C.S.A is primarily because of insufficient medical evidence. In our research we felt that medical examination and reports needs to be looked at extensively to recommend appropriate changes so that abuse is reflected in all its complexities when it is a long term abuse.

- One needs to apply different yardsticks to understand C.S.A and accordingly the writing of statement (with different places of abuse at different times and different forms of abuse) will need different skills to record a statement. With this, emphasis will shift from medical / forensic evidence to other kinds of evidence.

- What will ensure the creation of an environment which acknowledges the sensitive and gender-specific nature of most sexual crimes and also addresses the vulnerability and psychological implications of sexual assault on minor children with sensitivity and effectively.

- As we had anticipated hospitals and police are nodal points for intervention in CSA. In our understanding hospital, police, courts and educational systems are thus important target to work with as well as involve them in action in advocacy system to fight CSA.

- The findings which deserve special comment and interpretation since they have some implications for current policy formation relate to young children and teenagers as victims and as abusers. In this research all the victims were under the age of 10 years when the abuse first occurred. This finding has a number of implications for prevention strategies, including educational programmes addressed to both potential victims and potential abusers. The data also shows that 17 of the abusers were aged below the age of 18. Educational programmes should be aimed at enhancing non-sexual and non-sexist behaviour and attitudes, which could inhibit or control the more brutal expression of male aggression and sexuality. It is implied too, that schools are useful arenas for the early detection and appropriate referrals of sexual abuse and counsellors in schools would be valuable.
BIBLIOGRAPHY


- Nelson, Mary and Clark Kay (ed.) Preventing Child Sexual Abuse, Network Publiccations.

ANNEXURE A

a. **Legal Section Invoked in the Cases of Child Sexual Abuse Study**

Section of I.P.C. (Indian Penal Code)

302 - Punishment for Murder - whoever commits murder shall be punished with death or imprisonment for life and shall also be liable to fine. Comment - The offence under the section is cognizable, non-bailable non-compoundable and triable by the court of session.

324 - Voluntarily Causing hurt by dangerous weapons or means - whoever except in the case of as provided for by Sections 334, Voluntarily causing hurt by mean of any instrument for shooting , stabbing or cutting, by means of fire or any heated substance, or by means of any person or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to human body to inhale, to swallow, or to receive into the blood or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Comments - The offense under the section is cognizable, bailable, compoundable and triable by any magistrate.

340 - Wrongful Confinement - Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

342 - Punishment for wrongful confinement - whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. Comment - The offense under the section is cognizable, bailable, compoundable and triable by any magistrate.

354 - Assault or Criminal force on Woman with intent to outrage her modesty. whoever assault or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Comment - The offense under the section is cognizable, bailable, non-compoundable and triable by any Magistrate.

363 - Punishment for Kidnapping - whoever kidnaps any person form India or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to five. Comment - The offense under the section is cognizable, bailable, non-compoundable and triable by the Magistrate of the first class.

366 A - Procuration of minor girl - whoever by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place, or to do any act with intent that such girl may be, or knowing that it is likely that she will be forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend, to ten years, and shall also be liable to fine. Comment - The offense under the section is cognizable, non-compoundable and triable by the Court of session.

375 - Rape - A man is said to commit "rape" who except in the case herein after excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions: (i) Against her will (ii) Without her consent (iii) With her consent,
when her consent has been obtained by putting her or any person in whom she is interested in fear of death, or of hurt. (iv) With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. (v) With her consent, when at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance she is unable to understand the nature and consequences of that to which she gives consent. (vi) With or without her consent, whom she is under sixteen years of age. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. Sexual intercourse by a man with his own wife, the wife not being under (fifteen) years of age, is not rape.

376. - Punishment of rape : 1) whoever, except in the cases provided for by sub-section (2) commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which case, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both. Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years. Whoever-

(a) Being a police officer if rape is committed : (i) within the limits of the police station to which he is appointed; or (ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or (iii) on a woman in his custody or in the custody of the police officer subordinate to him;

(b) Being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him;

(c) Being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman's or children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution.

(d) Being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital.

(e) Commits rape on a woman knowing her to be pregnant.

(f) Commits rape on a woman when she is under twelve years of age.

(g) Whoever commits gang rape, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine; provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment of either description for a term of less than ten years.

377. - Unnatural offenses - whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section. Comment - The offense under the Section is cognizable non-bailable, non-compoundable and triable by the Magistrate of the first class.

452. - House - trespass after preparation for hurt, assault or wrongful restraint - whoever commits house-trespass having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault or wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine. Comment - the offense under the section is cognizable, non-bailable, non-compoundable and triable by any magistrate.
503 - Criminal intimidation - Whoever threatens another with any injury to the person, reputation or property, or to the person or reputation of anyone in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat commits criminal intimidation. Explanation - A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

506 - Punishment for criminal and intimidation - whoever commits the offense of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both. In case of threat to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offense punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine or with both. Comment - The offense under the section is non-cognizable, bailable, non-compoundable and triable by the magistrate of the first class or the court of session.

511 - Punishment for attempting to commit offenses punishable with imprisonment for life or other imprisonment. Whoever attempts to commit an offense punishable by this code with imprisonment for life or imprisonment, or to cause such an offense to be committed, and in such attempt does any act towards the commission of the offense, shall, where no express provision is made by this code for the punishment of such attempt, be punished with imprisonment for any description provided for the offense for a term which may extend to one-half of the imprisonment for life or, as the case may be one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or both.
b. Guidelines used to get Information

POLICE INFORMATION:

1) Name of the police station
2) C.R. Number
3) Hour of Occurrence
4) Month of Occurrence
5) Year of Occurrence
6) Hours of registration
7) Month of registration
8) Year of registration
9) Place of Occurrence
10) Informant's relationship to the child
11) Number of accused
12) Sections of Law invoked
13) Period between Occurrence and registration
14) Number of people arrested
15) Number of people charge sheeted
16) Number of people bailed
17) Amount of bail
18) Current Residence of the child & the accused
19) Annual reporting of the cases
20) Conditions for bail
21) Any other police/legal action taken
Girl Child Profile

1) Name
2) Age
3) Address
4) Education
5) Occupation
6) Monthly Income
7) Caste
8) Religion
9) Father’s Occupation
10) Mother’s Occupation
11) Family Composition
12) Monthly Family Income
13) Place of Birth
14) Native place
15) Period of stay in Bombay
16) Frequency of harassment
17) Life status of the child
## OFFENDER'S PROFILE

1) Number of accused  
2) Name/s  
3) Age/s  
4) Address/es  
5) Education  
6) Occupation  
7) Monthly Income  
8) Caste  
9) Religion  
10) Family Composition  
11) Monthly Family Income  
12) Property  
13) Parents property  
14) Marital status  
15) Place of birth  
16) Native Place  
17) Period of stay in Bombay  
18) Offender’s relationship to the child  
19) Previous criminal record  
20) Consumption of alcohol  
21) Consumption of drugs  
22) Do you visit prostitutes?  
23) Exposure to porn material  
24) Depiction of girl child in porn material  
25) Any previous sexual offenses

---

**Note:** Besides these we were also engaged in interaction with investigation officers and accused which gave us helpful insight to contextually understand abuse.
CASE NO.1

- The case was registered at Kherwadi police station under section 376 IPC.
- Child Rohin Jadhav, 4 years old, low income staying in workers colony; C.R.No. 160/95, Kherwadi Police station.
- Police Inspector: Agarwal.
- Accused (in police custody): Roshan Sheikh, 45 years, low income, daily wage earner residing in a workers colony.
- The offense was committed at the accused's house and the case was reported after 2 hours.

The child and the accused are neighbours. Jadhav had been living with his second wife in the neighbourhood for about two years. He has a young child. The victim used to visit his house to play with the child. On the day of the offense the girl child went to his house at 10 p.m. He made her sit on his lap removed her clothes and had partially penetrated her. The child didn't cry but walked away to her house. As she was not able to urinate or had difficulty, the mother was alarmed. On inspection her vagina was found to be reddish. On enquiry the child said that "Roshan mama bola bulla bulla khelenge" (bulla is slang word for penis). When the mother reported to the police station the accused had absconded. When found he admitted that the child had come to his house and sat on his lap but denied charges of rape. He had clamped her mouth and threatened her not to disclose the abuse. The abuse was discovered by the mother due to the blood stains on Rohini's clothes and heavy bleeding. The child was hospitalised for at least 3 days as the child was seriously injured. The abuse had resulted in vaginal tear and heavy bleeding. The accused has been granted a bail of Rs.10,000/-. As nobody has come forward to bail him he is still in the judicial custody.

The police have recorded the abuse as partial penetration. From the statement it was clear that no inquiry has been made into the history of abuse. This was due to an assumption that sexual abuse is a one time offense.

Medical Evidence: Hymen is not torn, no blood or semen detected. Forensic report has found evidence to be inconclusive.

According to the Investigating Officer (I.O.) the reasons/motives could be:
a) The accused was alcoholic and intoxicated at the time of offence.
b) His wife was not at home for a few days (there was a fight); therefore the need to have sexual relations would have prompted the abuse
c) A belief that he will not come to any harm as a consequence of the act. The I.O. also felt that the accused was able to exert his control over the child because of the child being less powerful (inclusive of family). The words that I.O used were "Chal and kami taktachi" i.e. deception and less powerful.

The last piece of information was the result of interaction with the I.O's about the assumed effect of alcohol and separation from the wife and consequent sexual starvation. At the time of writing the statement and also at the time of interview the I.O. believed accused's version (a&b) as the reason for abuse. It was only after the researchers pointed out that alcoholic behaviour was socially learnt. If the need was to have sex then how the choice of a young child was made. Why did he not visit his first wife/second wife or even an adult women outside matrimony?
CASE NO. 2

- The case was registered at Chembur police station under section 376 IPC.
- Child: Nina Gupta, 7 years, studying in 3rd standard, Father Taxi Driver, low income.
- Accused: Rajan, 19 years (Tailor) low income, has completed his primary education
- The offense was committed at 3 p.m. in the house where the man used to rest.
- Medical Evidence: Hymen torn, blood stains detected on the victim’s clothes, no semen on clothes confiscated.

The child with her parents had been living in the neighbourhood for the past three years. The accused had come to stay with his paternal uncle about a year and a half years ago. The child and the accused are neighbours and are from the same village. There is an empty room in his house which is used for resting in the afternoon. On several occasions the child had been called and molested. On the day of the offense at about 3 p.m. he called her to his house, removed her clothes and penetrated her with a finger and then with his penis. He wiped the blood with paper. The accused admitted to the charges against him. His reasons or motives are:

a) Easy access to the child
b) Nobody will suspect him
c) The accused had said that he was trusted by the child’s family and therefore he would not have been suspected of abusing the child.
d) Nobody will complain about such thing/offence.

There is no previous record available or known of the accused being involved in criminal or sexual offenses. The I.O is convinced that this was the first sexual experience for the accused. There is no previous criminal or sexual record.

From the case details it is evident that the abuse was protracted or had been taking place for a considerable length of time, yet the history of abuse was not questioned. This stems from two factors:

a) There are no laws to register the police assumption that C.S.A. is a one time offense.
b) Moreover the I.O. was convinced that this was first sexual encounter for the accused. The researchers had questioned the basis of this conviction and it emerged that during the period of investigation the I.O.’s engagement with the accused had led him to believe that the accused had not previously been exposed to sexual relations. This was in contradiction to the fact that upon questioning the I.O. had not really questioned previous history. The case reveals that child sexual abuse is clearly a violation of trust of the child and the family by the abuser. The child was threatened not to disclose the abuse.