

## **SEXUAL OFFENCES; A MENTAL THREAT**

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***"DON'T BE ASHAMED OF YOUR STORY IT WILL  
INSPIRE OTHERS"***

### **ABSTRACT: -**

The concept of child abuse and sexual offences has been growing to a higher range of percent from which it can be inculcated that it is specifically affecting the psychological status of the children involved in such concepts. Child abuse is basically the physical or psychological maltreatment of a child. Since this concept is a growing concept hence a proper study needs to be performed by looking into the past as well as in the present rate of such offences so as to study the growing concept behind such a serious issue. Child abuse and sexual offence is such a problem which was not present to such a great percentage earlier as people during that time were more precautious about it, however in the present time sexual activities have risen to such a standard that sexual activities have become simply a game for the people who are actively involved in it. This people are not aware about the after effects of such offences. Recent studies shows that children account for 42% of the India's population and sexual abuse is one of the brutal crimes committed against them. The main reason behind such happenings in India can be the legislation, lack of awareness amongst the people, lack of justice to the accused etc.

The concept of child abuse and sexual offences can affect the mentality of the child to such a level wherein he/she can even turn into a criminal and hence it gives birth to growing of a crime in a country. In India there is a concept of juvenile homes for such cases however once a child has undergone or has been subjected to such conditions then it becomes almost difficult for a psychologist to bring back the child to normal condition.

This paper will focus upon the trends which leads to commencement of such abuse and sexual offences and also what made Indian judiciary so weak that it is unable to provide justice to the ones who have suffered child abuse and sexual offences.

**KEY WORDS: -** Child abuse, sexual abuse, psychology, mental disorders.

## **INTRODUCTION:-**

The concept of child and sexual abuse has been the problem of the global level and hence it is not restricted only to a single country. The victims of such kind of abuse suffer a lot as people often react to such situations in a vigorous way as sometimes people blame the victims that it might have been their fault and sometimes these people support the victims to a larger extent. Child abuse in India is considered to be a human right violation both at national level and at the global stage.

Child sexual abuse and child abuse is one of the problems in India which causes high death rates among the children or serious psychological disorders that can affect the mentality of the child to a greater extent due to which the death rate in India is increasing and hence the people who are initiating such crime are getting boost up to indulge themselves more in such kind of criminal activities.

## **DEFINITIONS OF THE KEY TERMS:-**

In order to properly understand the concept of this paper we need to be well versed with certain definitions part which would be dealt under this head namely;

### **1. Definition of *child* –**

Presently at the world stage there are number of laws dealing with the concept of child and hence the definition of child differs from one law to the another, however for this paper we would consider the definition given by United Nations Conventions on child rights which states that; “ any human being who is below the age of 18 years unless under the law applicable to the child, majority is attained earlier”.<sup>1</sup> In this paper we also have to deal with the definition given under POSCO ACT, 2012 which defines child as “ any person below eighteen years of age”.<sup>2</sup> Biologically, a child is anyone between birth and puberty or in the developmental stage of childhood, between infancy and adulthood.

### **2. Definition of *Sexual Abuse* –**

The concept of sexual abuse has become very stringent in the present world and hence due to this there occurs a need to define the term in order to get adequate justice. The American psychological association, 2001 defines the term sexual abuse as “ sexual activity between minor and adult”.<sup>3</sup> The word 'abuse' suggests a degree of violence or injury often associated with specific sexual acts, such as genital intercourse, sodomy, and the stimulation of the penis by sucking or licking by the victim. The world sexual abuse has also been defined by world report on violence and health, 2009 in which it is stated that “ the involvement of a child in a sexual activity, that he or she does not fully comprehend, is unable to give informed consent to or that violate the laws or social taboos of society”.<sup>4</sup> Sexual abuse in India includes rape cases, gang rape etc.

### **3. Definition of *Child Abuse* –**

The term child abuse has been defined in Child Abuse Prevention and Treatment Act, 1974 wherein it is said that “ any recent act or failure to act on the part of a

<sup>1</sup> Convention on Child Rights, Art. 1, CRC (1989).

<sup>2</sup> Protection of Child from Sexual Offences Act, 2012 ,No.32, Acts of the Parliament, 2012(India).

<sup>3</sup> LORRAINE NIELSEN, AMERICAN PSYCHOLOGICAL ASSOCIATION (APA) 13 (5 ed. Philson Library 2007).

<sup>4</sup> Etinne G. Krug, World Report on Violence and Health (Mar 01,2019 5:30 p.m.),

[https://apps.who.int/iris/bitstream/handle/10665/42495/9241545615\\_eng.pdf;jsessionid=4A32745FDD6A002E23689FF8DD51FF7F?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf;jsessionid=4A32745FDD6A002E23689FF8DD51FF7F?sequence=1)

parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation is known as child abuse”.<sup>5</sup>

**4. Definition of Psychology –**

The term psychology has a very broad spectrum and hence it becomes difficult to define such a broad term, however many psychologists like Aristotle, Daniel Boleman etc tried defining the term psychology but there is no precise definition to the term. In this paper we would be dealing basically with a very general definition provided by the collins dictionary which states that “ psychology is the scientific study of the human mind and the reasons for people’s behaviour”.<sup>6</sup>

**CHILDHOOD SEXUAL ABUSE AS A SOCIAL PROBLEM:-**

The problem of child sexual abuse is often regarded as a notable sore which have impacted the child victims both physically and psychology. The recognition of the concept of childhood sexual abuse has been so dangerous that it has affected the psychology of the child to such a great extent that children have been incorporating themselves in committing a crime. The serious phenomenon of child sexual abuse has been continuously being ignored by public, private companies as well as the government and the Judiciary. Many jurists have been working over this serious threat wherein some of them have outlined "three discoveries" of the prevalence of sexual abuse in any society:

1. The awareness of the occurrence of sexual abuse, as a traumatic experience, in the lives of children can be traced to Sigmund Freud. When large number of female patients revealed of childhood sexual abuse, he attributed it to hysteria, which became 'seduction theory'. To protect the patriarchal setup, Freud identified the perpetrators to other children, caretakers and distant relatives . Eventually, due to peer pressure Freud, repudiated the seduction theory and claimed his patients experiences to 'incestuous fantasies'. For decades after Freud and his reduction theory professionals maintained a 'dignified silence' on this topic and denied the reality and prevalence of childhood sexual abuse.
2. During the 1940's, childhood sexual abuse, was 'rediscovered' for a second time by social scientists conducting large scale survey studies of sexual practices, including Kinsley studies these studies found that 20% to 30% of the women reported, having had a sexual experience as a child with a male. About 4% and 12% reported a sexual experience with a relative and 1% reported such experience with a father.<sup>7</sup>
3. Jurists dated the 'third discovery' of childhood sexual experience to the 1970's and credited the feminist movement with bringing the problem into public awareness, along with other taboo issues such as wife battering and rape. This was followed by many legitimate and scientific studies of this social problem.

**INCREASED RATE OF SEXUAL ABUSE IN INDIA:-**

The country India is a developing country of the world and has achieved fifth rank in the world’s highest population.<sup>8</sup> The country India is considered to have a high crime rate in the present world scenario as compared to that of the past. The problem of child abuse in

<sup>5</sup> Child Abuse Prevention and Treatment Act, 93 CAPTA

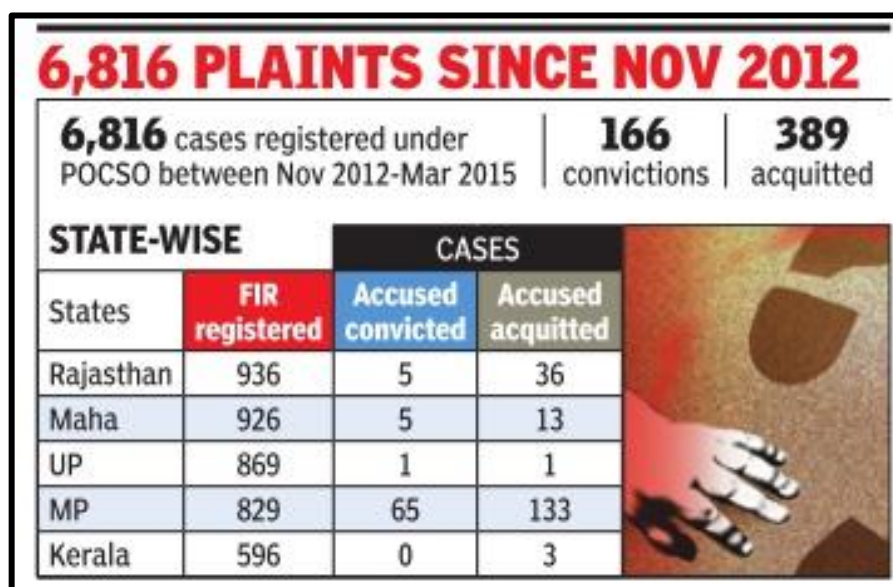
<sup>6</sup> <https://www.collinsdictionary.com>

<sup>7</sup> Kinsley et. al,1953

<sup>8</sup> United States Census Bureau (Mar 2, 2019).

India is considered to be very serious issue as in India children are being abused sexually in every fifteen minutes and this figures has been incorporated by the government of India. In India there is a concept of national crime records bureau which in 2017 have reported that there has been a steady rise in the incidents of offences against children.<sup>9</sup> In India there were headlines going on which stated that after the case of 10 year old rape victim child sexual abuse was in focus as the victim was forced by the accused to give birth to the child in the year 2017.

In 2016 during the home ministry of Mr. Rajnath Singh, the crime reports of India clearly stated that sexual abuse cases in India were have been recorded as 106,958 cases.<sup>10</sup> From these cases 3602 cases have been recorded under the POCSO act. By the year 2018 India has almost reached 151% in the cases of child sexual offences which clearly specifies that strict measures should be taken in order to ban this threatful process.



*Record viewing the state wise child sexual abuse cases in India*

### **REASONS FOR INCREASED RATE OF SEXUAL ABUSE IN INDIA:-**

In the developing country India the rate of sexual abuse is increasing comparatively at a very high pace and hence it is a need to have a proper depth study as to why there has been a sudden increase in the rate of sexual abuse in India. Following are the reasons which are responsible for increased rate of sexual abuse in India –

#### **1. Lack of Public Safety:**

The country India lacks in providing adequate safeguard to its people due to a large number in its population. India also lacks in providing adequate safeguard to the women specially. The women in India are not treated to be safe even at public places because the safety of the girls are neglected in almost all the states of India. After the nirbhaya gang rape case the government became active regarding the safety of the girls but that was only for a certain period due to which sexual abuse

<sup>9</sup> National Crime Records Bureau, Act of Parliament, 1986 (India).

<sup>10</sup> Sujan Bandyopadhyay, A Closer Look at Statistics on Sexual Violence in India, (Mar 01, 2019), <https://thewire.in/society/a-closer-look-at-statistics-on-sexual-violence-in-india>

has increased to such a drastic level. Hence India should maintain equity in providing safety to both male and female as both are assets to the country equally.

**2. Encouraging Rape Victims to Compromise:**

In the year 2012, in India a rape case was initiated wherein a seventeen year old girl was gang raped. The girl who was raped killed herself as there was a direct pressure by the police on the girl to back the case and marry one of the rappers. This fact of the case clearly shows that victims are often pressurised by both the society and the judiciary to take back the case so that the image of the family remains stagnant and hence this motivates the people to indulge into crime.

**3. Stigmatizing the Victim:**

The girls in India are the major victims of the child sexual abuse as they are not even considered to be safe at the public places like markets, gardens etc. The public which is being present at such places either ignore such serious issue of sexual abuse or either they make video out of it for their own fun. People present over their do not even think that a small help of them would protect the victim and hence would safe the life of the victim. Politicians also make a hive of it in order to get publicity just for fulfilling their own purpose.

**4. Stagnant Court System:**

The country India is considered to have a comparatively stable Judiciary but this statement is simply a myth now a days. The process of Indian courts have become comparatively slow because of shortage of judges. The story of Indian courts is that there are large number of cases to that of the judges due to which it takes a long duration of time to settle out the cases as compared to that of the past. This situation often leads to denying of Justice.

NOTE:- There are thousands of reasons which are responsible for the increase in child sexual abuse. Every issue cannot be discussed in this paper and hence some of the major issues has been dealt in this paper.

**PSYCHOLOGICAL EFFECT OF SEXUAL ABUSE ON THE CHILD VICTIMS:-**

Psychology is considered to be the study of soul. The psychology of the person depends upon the situation to which he/she is prone to. Sexual abuse which is the major problem in India is considered to be particularly alarming type of trauma as it creates a mental pressure in the minds of the victims which can affect the victims behaviour severely. The problem of childhood sexual abuse take place generally with the young generation and hence it becomes difficult for them to know that how to express what is happening and how to seek help from others. If this things are not been cured within the specified time limit then it could result in several psychological disorders like post traumatic disorder (PTSD).

Studies have shown that children who experience sexual abuse tend to recover quicker and with better results if they have a supportive, caring adult (ideally a parent) consistently in their life. One of the finest solutions which the psychologists provides is that of counselling but sometimes in such cases also the concept of counselling do not works.

The experts of American academy in traumatic stress provides specific symptoms of sexual abuse which are as follows;<sup>11</sup>

- a. Mistrust of adults
- b. Frequent accidents
- c. Refusal to go to school
- d. Secretiveness
- e. Unusual interest
- f. Habit disorders
- g. Neurotic reactions
- h. Sleep problems
- i. Extreme fear of being touched
- j. Unwillingness to submit to physical examination

### **THE CONCEPT OF CHILD ABUSE IN INDIA:-**

India consist of nineteen percent of the world's children. According to the 2001 census, some 440 million people in the country today are aged below eighteen years and constitute 42 percent of India's total population i.e., four out of every ten persons.<sup>12</sup> India is a country wherein harmful traditional practices like child marriage, caste system, discrimination against girl, child etc. is present which is causing an adverse effect to both the people as well as the integrity of the nation. This in turn increases the vulnerabilities of children and expose them to situations of abuse and exploitation.

The large population of children in India is one of the main reasons due to which child abuse occurs. The concept of child abuse in India is defined as any action by another person (whether adult or child) that causes a significant harm to a child, such abuse can be physical, emotional or sexual. The term child abuse is a broad term and includes various types of abuses that takes place with children which are as follows;

1. Domestic abuse
2. Sexual abuse
3. Neglect
4. Online abuse
5. Physical abuse
6. Emotional abuse
7. Child sexual exploitation
8. Bullying and cyberbullying
9. Child trafficking
10. Harmful sexual behaviour

The principal of child abuse is very much present in India as children below the age of fourteen years are forced to work and also many of them are forced to work in hazardous factories for which they are either been paid less amount or even they are not paid for anything. This is one of the examples of child abuse from the country India.

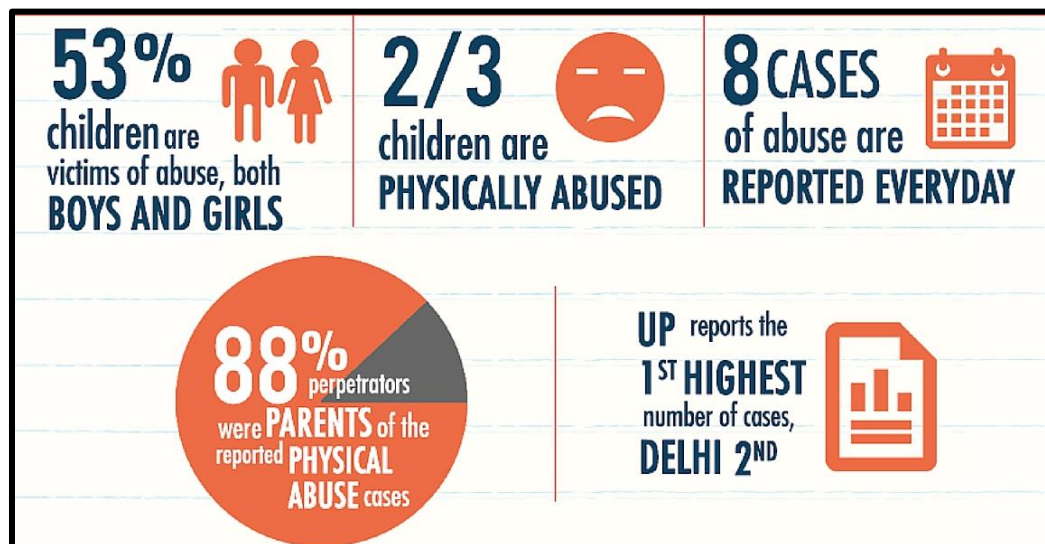
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<sup>11</sup> Susanne Babel, Trauma: Childhood Sexual Abuse, (Mar 01, 2019), <https://www.psychologytoday.com/us/blog/somatic-psychology/201303/trauma-childhood-sexual-abuse>

<sup>12</sup> Ministry of Women and Child Development Government of India, Act of Parliament, 2007 (India).

Studies have reported that the problem of child abuse is a very serious problem as it has lead children dying at a very early stage. According to world health organization, there was an estimated 57000 deaths due to homicide among children under the age of 15years in 2000.

Ministry of women and child development clearly specifies the fact that by the year 2017 there has been almost 66% in the context of physical abuse in the country India.



*Statistical data interpreting child abuse in India*

### **REASONS FOR INCREASING CHILD ABUSE IN INDIA:-**

The most serious and threatening issue in India i.e. child abuse has been increasing day by day to a great percentage. There is a reason behind everything hence under this head also we would be dealing with certain important reasons which leads to increasing child abuse in India like;

1. **Domestic violence:**  
Domestic violence generally occurs in household hence the children who are a part of the household works are prone to become victims of abuse themselves as they are frequently prone to the concept of domestic violence. Children generally react to what they see and hence if their father abuse their mother then children are also likely to do the same.
2. **Alcohol and Drug Abuse:**  
It is a saying that what children see their parents doing generally adopts the same habit as their parents do, hence if the children observe their parents taking alcohol or drug then child might also adopt the same. Dependence of substance abuse is one of the major causes of child abuse and maltreatment which includes physical abuse and intentional neglect.<sup>13</sup> This is the major reason for increase in rate of child abuse.
3. **Untreated Mental Illness:**  
Parents untreated mental illness can also be a major reason for child abuse in children. Certain types of illnesses like disorders etc can be a main cause of child abuse as it leads to unavailability of the parent to a child.
4. **Lack of Parenting Skills:**

Some of the lucky parents are gifted with caring of their children, however few may lack in managing physical and emotional needs like they might lack in their emotional quotient. Most parents adopts the child abuse technique in order to exert discipline in their child's life which can often cause psychological issue to a child at a very early stage.

5. Stress and Lack of Support:

The reason for children being psychologically disbalanced is their parents leaving in a huge amount of mental stress. Parents who are overburdened often reduce their stress by either scolding their child or abusing them by threatening them to a larger extent. Certain family issues and situations like divorce, mutual separation, financial worries etc can be a reason for child abuse as then the child starts thinking of having a job which is either secured or unsecured doesn't matter. Hence parents should support there children in an adequate amount so as to keep there children away from such kind of threats.

### **HOW DOES CHILD ABUSE TURNS INTO PSYCHOLOGICAL DIORDERS:-**

It has been reported by a large number of psychologists that children in India suffer to the problem of child abuse due to which there behaviour issue changes to a great extent and hence psychological disorders takes place. As per the statistics provided by the psychologists it has been stated that psychological disorders occurs more in females as compared to that of males. If a child has been prone to the problem of child abuse since his infancy period then the percentage increase of post traumatic disorder increases and hence sever behavioural problem occurs in the children from the time of infancy which may continue for life long.

According to the American academy of child and adolescent psychiatry, some of the particular symptoms of child PTSD include:<sup>14</sup>

- a. Frequent memories
- b. Bad dreams
- c. Whenever the child is confronted with some event then repeated physical as well as emotional symptoms occurs
- d. Fear of dying
- e. Loss of interest in activities
- f. Extreme emotional reactions
- g. Trouble sleeping
- h. Problem of irritation, anger and violence

Post traumatic disorder can be determined by various test which are provided by psychologists. There are some more factors through which post traumatic disorders can be viewed in a child which are as follows;<sup>15</sup>

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<sup>14</sup> Susanne Babbel, Lingering Trauma of Child Abuse, (Mar 01, 2019 7:00 p.m.), <https://www.psychologytoday.com/intl/blog/somatic-psychology/201104/the-lingering-trauma-child-abuse>



- i. The degree of perceived personal threat
- ii. The development state of the child
- iii. Relationship of the victim to the perpetrator
- iv. Level of Support provided to the victim in his/her day to day life
- v. Guilt
- vi. Resilience

### **SUGGESTIONS:-**

The problem of child abuse and child sexual abuse has been growing through ages due to which there are ample amount of cases that can be found under Indian Judiciary which is the basic reason for the growth of crime in child in India.

For every problem whether it is big or small there is a solution hence from my side I would like to share some of the solutions like;

- a. Separate part of the Indian Judiciary should be inculcated in order to provide speedy trial to such cases.
- b. Proper amount of awareness should be spread amongst the people to cope up with such serious issue.
- c. Proper reporting of the cases of child abuse and child sexual abuse should be done by victims or the families of the victim.
- d. Society should stand with the victims as it is the time for the society to throw out such types of crimes from India.
- e. Family should not pressurise the victims as the victims are the part of their family and it should be the family who should first support the victim.
- f. People performing such kind of threats should be punished with the strictest punishments made under law so that they never think of doing this further.
- g. Political influence on such matters should not be allowed.
- h. Strict rules should be incorporated by the Indian Judiciary for committing of crime.
- i. Laws should be applied equally on both male and females without having any sought of discrimination.
- j. Lastly, the victims should be provided with proper medical facilities as this would help in saving a lot of lives.

### **CONCLUSION:-**

The above mentioned research paper on child abuse and child sexual abuse helps us to conclude that the country India has been trapped by a large number of crimes due to which sometimes the laws become ineffective to provide adequate justice to the needy. The ratio of child sexual abuse and child abuse in India has been continuously increasing having a wide gap among the percentage.

India should adopt proper and effective measures to root out the problem of child sexual abuse and child abuse as it is the initiation for the percentage increase in death issues amongst the children of lower age groups. Hence proper laws should be incorporated to provide adequate justice to the victims.

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<sup>15</sup> Susanne Babbel, Lingerin Trauma of Child Abuse, (Mar 01, 2019 7:30 p.m.),  
<https://www.psychologytoday.com/intl/blog/somatic-psychology/201104/the-lingerin-trauma-child-abuse>

