



CHILD ABUSE: STUDY IN RELATION TO SEXUAL OFFENCES

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CHILD ABUSE: STUDY IN RELATION TO SEXUAL OFFENCES

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ABSTRACT

Child sexual abuse (CSA) is one of the most heinous crimes that can ever be committed against humanity. Child is a person who has yet not attained the age of maturity i.e. eighteen years, when such young minds and bodies are subjected to any kind of sexual abuse or assault the term used is Child Sexual abuse. The problem has forever been on the society but it has not been more than a couple of decades ago that awareness regarding the problem is being spread, though even today we have a long way to go.

Child sexual abuse has been the topic for debate and discussion for a while now. The

problem was present in the historian and the pre-historian era but as our society developed so did the awareness regarding the problem. Earlier there were religious laws that provided sanctions for any crime, as the society progressed the laws began to be codified and then the legal system developed. The Indian legal system has been in existence for a very long time but it was not a few decades ago that a separate set of laws were made for the sexual offences against children. Earlier the child sexual abuse was also governed under the Indian Penal code but now we have separate laws for children. The Juvenile Justice (Care and protection of children) Act, 2015 and the Protection of Children against Sexual Offences (POCSO) Act, 2012 are two main laws that govern the child sexual abuses in India. There are other constitutional mandates that give certain rights to children. We have come a long way in our journey of child protection but we are far away from curbing this problem from the society entirely. A little has been done and a lot more is still pending.

INTRODUCTION

In the Indian Society, the issue of sexual offences against children has always been prevalent but was hardly recognized. This has always been ignored by Criminal Justice system and was not disclosed publically. Until recently the problem was hardly acknowledged, only rape against children was acknowledged by law and was governed under the Indian penal code (IPC) in the absence of a proper governing act. Other offences like harassment of children, exploitation and child pornography had no legal sanctions.

In the past few years owing to the efforts of some NGOs working for the welfare of children and the Ministry of Women and child development an act was enacted for the protection of children against sexual abuses. Protection of Children from Sexual offences (POSCO) Act came into existence in the year 2012.

The World Health Organization (WHO) has defined Sexual Abuse against Children (CSA) as *“the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed*

*consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society.”*¹

CSA includes an array of sexual activities like fondling, inviting a child to touch or be touched sexually, intercourse, exhibitionism, involving a child in prostitution or pornography, or online child luring by cyber-predators.² Child sexual abuse is a universal problem. When men and women and exploited at an early age it leaves a lifelong impact on their minds. A recent epidemiological study mentions that the prevalence rates of CSA in Europe, America and Asia were 9.2%, 10.1% and 23.9%, respectively.³

Child sexual abuse (CSE) cases are mostly reported from economically advanced countries but majority of the incidences take place in the developing or the under-developed countries. As an influence of socio-economic practices most of the cases of CSE are not even reported due to the fear of loss of dignity and social embarrassment. Mostly the accused in such cases are the people who are known to the child this is

¹World Health Organization. Report of the consultation on child abuse prevention (WHO/HSC/PVI/99.1). Geneva (Switzerland): World Health Organization, 1999

² Putnam FW. Ten-year research update review: child sexual abuse. Journal of the American Academy of Child and Adolescent Psychiatry. 2003; 42(3):269–78. Epub 2003/02/22. 10.1097/00004583-200303000-00006

³Wihbey J. Global Prevalence of Child Sexual Abuse, 2013. Available from: Journalistresource.org/studies/./global-prevalence-child-sexual-abuse. Accessed May 30, 2017

yet another reason for the cases being unreported.

In the cases of CSE the physical contact between the child and the abuser need not necessarily be established. Exhibitionism, or exposing oneself to a minor, Fondling, Obscene phone calls, text messages, or digital interaction, Producing, owning, or sharing pornographic images or movies of children, Sex of any kind with a minor, including vaginal, oral, or anal sex trafficking Masturbation in the presence of a minor or forcing the minor to masturbate or any other sexual conduct that is harmful to a child's mental, emotional, or physical welfare all these activities amount to sexual offence.

METAMORPHOSIS OF CHILD

ABUSE

The problem of sexual abuse against children is not at all a new problem for the world. This has been prevalent in the society for time immemorial. The historians of the Fifteenth and the Sixteenth century Europe claim that the adults at that time would use young children as their sexual playthings. One of the most prominent and well known example is that of Louis XIII king of France. According to a diary of a royal physician, the members of the royal

court fondled his gentiles and the women played sexual games with his tiny fist. These practices are also very prevalent in the nineteenth century in the American history. In a survey it was found that in New York City between 1790-1870, one-third of the total reported cases consisted of victims who were below nineteen years of age. And more than five-hundred of the reported cases were of forceful incest between father and daughter.

The history of child abuses in India ages back to a very long time though the legal sanctions to most of these acts have recently been added. The Indian population being very large gives a lot of scope to vulnerability neglect exposure and abuse. Sexual abuses against children have existed in India for a very long time now the related laws have however always been very ambiguous.

This problem has gained legal importance only in the past few decades. The attention of the media has been grabbed by some very high profile child sexual abuse cases. Since 1970s the sexual abuse of the children and child molestation has increasingly been recognized as deeply damaging to children and thus unacceptable for the society as a

whole.⁴This has always been a hidden problem in the Indian society and was also majorly ignored by the people. In a democratic country a problem seldom takes the form of law without it being recognized by the citizens. This was another problem that this issue took so long to be a part of the Indian legal system.

India signed the United Nations convention on rights of children, 1992 where the country promised to protect its children from all kinds of sexual abuses and exploitation. When India performed its first research to analyze the extent and nature of child sexual abuse in the country it was found that more than 53% of the examined people had suffered one or the other type of sexual abuse as a child and in most of the cases victims were abused by someone that they knew and trusted. By the kind of mindset, we have towards the rape victims in India it was not very difficult to guess that most of these victims never reported the abuse or even shared their experience with anyone in the family.

The position of girls is more vulnerable than that of the boys in the cases of sexual abuse or assault, though boys are also victims in many cases and the society finds it a lot more difficult to accept a sexually abused boy in comparison to a girl who has

been abused. Only 3% of the total rape cases are reported in India. Most of the cases are hushed due to social stigmas related to the offence. More often than not the society blames the victim for not being careful enough or other lame reasons. The relative or a known person of the victim being the offender is another reason for not reporting of such offences.

Earlier in India there were not specific laws for governing child sexual offences so it was covered under the Indian Penal Code but in the recent times laws are made that specifically function for the protection of children against all kinds of sexual offences. Even after so much effort from the government the offence is hardly reported, for this only our society is at fault and until and unless the mind-set is broadened and changes this problem will not be curbed.

CONSTITUTIONAL PERSPECTIVE

The laws framed in India are based on the principles of the Constitution of India. If a law does not abide by the constitution it shall be declared unconstitutional and shall not be allowed to operate in the country. The Constitution of India recognizes the

⁴ 2 Protecting the Loss of innocence (with special reference to protection of children from sexual

offence Act, 2012, Law Profiles Volume, 4 March 2013, p25

importance of inclusive and equitable society. For the development of any country it is very important that the citizens of the country are healthy both physically and mentally. Any kind of abuse whether mental or physical at a young age can leave a life-long imprint of the minds of the victim so it is necessary that these young minds are protected from any kind of abuse.

The constitution of the country recognizes the vulnerable position of children and the importance of protection of their rights therefore, there are several special provisions in the constitution for the protection and upliftment of children. The Constitution of India aims at equal treatment of all its citizen but there is also a provision for “Doctrine of Protective Discrimination”

The Directive Principles of State Policies (DPSP) are a part of Part IV of the Indian Constitution. These serve as a guideline for the state for coming up with new laws and are important to be taken into consideration. The citizens though are not bound to follow them. The following DPSPs work in the favour of protection of children against sexual abuses:

- Article 38- This article suggests the state of India to maintain a social order in the system. India is a

welfare state and not a police state. As a welfare state it is the duty to work for the advantages of the people. The article further has two sub-clauses:

(1) It is important that justice in all forms such as social, economic and political is provided to the people. If the people struggle in monetary aspects, all form of help and free legal aid is to be provided to them. There has to be equality in the society therefore the reservation system was introduced.

(2) This sub-clause was not originally there in the constitution and was brought into it by the 44th Amendment, 1978. It aims at minimizing inequalities of income and status.⁵

Further there are Fundamental Rights for the protection of children. Fundamental Rights are the rights that all the citizens of the country are granted. These rights are enforceable against the state and local authorities as well as against executive actions. If the fundamental rights of a citizen are violated, he can file a writ petition in the Supreme Court or the High court. Following are the Fundamental

⁵ Article 38 of the Indian Constitution.

Rights that work in the favour of protection of children for all kinds of abuses-

- Article 14- This is one of the most curtail and important fundamental rights. This right is a negative right which states that no person will be given any special rights based on their race, religion. Caste, creed, sex or place of birth.⁶
- Article 15 (3) – It has been given in the constitution that the state shall not discriminate among its citizens on any basis, but in this provision it has been clearly stated that the state has full right of making special laws for the benefit and upliftment of children.⁷

LEGISLATIVE CONCERN IN CHILD ABUSE

INDIAN PENAL CODE:

The Indian Legal System not much ago did not have a separate act for protection of children against sexual abuse. The crime was governed the general penal law i.e. The Indian Penal Code, 1860 (IPC). The code only dealt with rape as the form of sexual offence and the other forms of offences though sexual in nature that did not amount

to rape did not have any sanctions. The following sections of the Indian Penal code deal with sexual offences:

- Section 293- This section of the Indian Penal Code states that any person who sells, lends, shows or passes on any obscene article to a person who is under 20 years of age shall be punished with 3 years of imprisonment and or with fine which may be up to two thousand rupees or both and on second or subsequent attempt shall be imprisoned for seven years or fine which may last up to Rs. Five-thousand.⁸
- Section 354- This is a gender neutral provision which punishes a person with two years of imprisonment or with fine if the person assaults or uses force to outrage the modesty of a women.⁹

After the horrendous incident of the Delhi rape case in the year 2012, a committee popularly known as the Justice Verma Committee was formed. This committee made some amendments and added few new laws to the penal law of India. The 2013 amendment led to the addition of the following sections into the code-

⁶ Article 14 of The Indian Constitution

⁷ Article 15 of The Indian Constitution

⁸ Section 293 of the Indian Penal Code,1860

⁹ Section 354 of the Indian Penal Code,1860

- Section 354- section 354 was amended and the following provisions were added-
 - ❖ 354 A—(1) If a man commits any physical contact and advances, demand or request for sexual favours; or showing pornography to a woman against her will; or passes any sexually colored remarks, he shall be guilty of the offence of sexual harassment such a man shall be punished with rigorous imprisonment for a term extending up to three years, or with fine, or with both or with imprisonment for a term which extending up to one year, or with fine, or with both.¹⁰
 - ❖ 354 B- This section punishes a man with imprisonment not less than three years extending up to seven years and or fine if he assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked.
 - ❖ 354 C-Any man who watches, or captures the image of a woman involved in a private act where she would usually have the expectation of not being seen, if he spreads such image shall be punished on first conviction with imprisonment not be less than one year extending up to three years with fine, and be punished on a second or subsequent conviction, with imprisonment not less than three years extending up to seven years, and with fine.
 - ❖ 354D- Whoever commits the offence of stalking shall be punished on first conviction with imprisonment extending up to three years, and with fine; and be punished on a second or subsequent conviction, with imprisonment extending up to five years, and with fine.¹¹
 - Sections 375 and 376 were also amended
 - ❖ 375-A man is said to commit “rape” if he— (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or forcefully makes her to do so with him or any other person; or (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or forcefully makes her to do so with him or any other person; or (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or (d) applies his mouth to the vagina, anus, urethra of a woman or

¹⁰Section 354A of the Indian Penal Code,1860

¹¹ Section 354D of the Indian Penal Code, 1860

makes her to do so with him or any other person.¹²

- ❖ 376 A- Whoever, commits an offence punishable under section 376 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a state of coma, shall be punished with rigorous imprisonment for a term not less than twenty years extending up to imprisonment for life, or with death.¹³
- ❖ 376 B- This section punishes a man who has sexual intercourse with his own wife, without her consent, who is living separately, whether under a decree of separation or otherwise, shall be punished with imprisonment not less than two years extending up to seven years, and with fine.¹⁴
- ❖ 376 C- Whoever being in a position of authority or in a fiduciary relationship abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term not less than five

years extending up to ten years, and with fine.¹⁵

- ❖ 376 D- Where a woman is raped by one or more persons forming a group or acting to achieve a common intention, each of those persons shall be punished with rigorous imprisonment for a term not less than twenty years extending up to life, and with fine:

It has to be taken care that that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim and any or all such fine shall be paid to the victim.¹⁶

- 376 E- Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376D and is again convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life or with death.¹⁷

- Section 377-This section deals with unnatural sex. Anyone who has sex against the natural way shall be punished with imprisonment of up to ten years or fine or both. This provision

¹² Section 375 of the Indian Penal Code

¹³ Section 376A of the Indian Penal Code

¹⁴ Section 376B of the Indian Penal Code

¹⁵ Section 376 C of the Indian Penal Code

¹⁶ Section 376D of the Indian Penal Code

¹⁷ Section 376E of the Indian Penal Code

has been now made partially unconstitutional.¹⁸

- Section 509- This provision states that a person who intends to insult the modesty of any women, makes any sound or conduct or interferes with the privacy of a women shall be punished with simple imprisonment for a term of three years and with fine.¹⁹

2018 AMENDMENTS:

- Section 376- the minimum punishment for rape of women from 7 years to 10 years.²⁰
- Section 376 AB- Punishment for rape of girls below the age 12 years will carry minimum punishment of 20 years and is extendable to life imprisonment or death.²¹
- Section 376 DA- Punishment for gang rape of girls under 16 years to be life imprisonment with fine.²²
- Section 376 DB- Punishment for gang rape of girls under 12 years to be life imprisonment or death with fine.²³

THE JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2015:

The Juvenile Justice (care and protection of children) Act, 2015 was passed betwixt intense protest, controversies and debate on many of its provision by the different groups of children rights. The act was to put back the Juvenile Justice (care and protection of children) Act of 2000. The act allows people who come within the age group of 16-18 years and are accused of heinous crimes are allowed to be tried in the courts as adults. The act came into force on 15th of January 2016. It was passed in the Lok Sabha on 7th May 2015 and by the Rajya Sabha on 22nd December 2015.

The Ministry of Women and Child development had been planning to make some amendments in the JJA act since 2011 many of the stake holders were also consulted for the same but the process was always in the making stage. The rape case of 2012 had a major impact on the provisions of the act, the perspective of the public also changed regarding the act. One of the offenders of the gang rape was a few months away from becoming an adult.

¹⁸ Section 377 of the Indian Penal Code

¹⁹ Section 509 of the Indian Penal Code

²⁰ Section 376 of the Indian Penal Code

²¹ Section 376 AB of the Indian Penal Code

²² Section 376 DA of the Indian Penal Code

²³ Section 376 DB of the Indian Penal Code

Therefore, he was supposed to be tried in the Juvenile court according to the act. There were as many as eight writ petitions filed in the supreme court of India in order to consider many of the provisions of the act to be unconstitutional. This also led to delay in the judgment of the juvenile court.²⁴ In the second week of July all the petitions were dismissed by the Supreme Court and all the provisions of the act were declared to be constitutional dismissed all the petitions and declared the provisions of the act to be constitutional. The demand for turning down the age for juvenile criminals from 18 years to 16 years was also not entertained.

On 31st August 2013 the case was decided by a juvenile court and the offender was given three years' punishment in a reform center. The judgment was criticized, the mother of the victim also said this will give confidence to the juveniles to commit more of such offences.

On July 14 the Minister of Women and Child development, Maneka Gandhi revealed that they were working on the preparation of a new and a better law that shall allow 16 years old offenders to be tried in the courts as adults. 50% of the teens get away with heinous crimes like rape and murder just because they are tried in the

Juvenile courts, but the thought of being tried as adults will scare them. The act was passed by the Parliament on 12th August and on 22nd April 2015 was passed by the cabinet with a few final changes.

The new bill shall allow a Juvenile Justice Board to decide if a juvenile criminal of the age group of 16-18 years should be tried as an adult or not. The Juvenile Justice Board shall consist of psychologist and sociologist who play a very important part in making the decision.²⁵ The bill also stated that a person giving any kind of alcohol or drugs to a child shall be in imprisonment for up to 7 years of fine up to 1 lakh or both.

The most criticized step of the act was "Judicial Weaver System" which allowed teens to be treated as adults in certain circumstance and also allows them to be punished as adults.

Such an act has been passed for the very first time in the history of the Indian Judiciary.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012:

The protection of children from Sexual Offences Act (POCSO) 2012 deals with sexual abuses and exploitation against

²⁴"SC agrees to examine plea to base juvenile culpability on mental age". *The Times of India*. 1 August 2013. Retrieved 10 May 2015.

²⁵"Cabinet approves amendments to Juvenile Justice Bill". *Business Standard*. 22 April 2015. Retrieved 10 May 2015.

children. The act came into effect of 14th November 2012. The act serves as a comprehensive law against sexual assault, harassment and pornography against children.

The act provides for establishment of special courts for shelter the interest of the victim at every level of the procedure. It aims to follow a child friendly mechanism for reporting of the crime, recording of evidence, the investigation procedure and also ensures a speedy trial. It is a gender neutral law with paramount importance of best interest and welfare of the child.

The act defines a child as any person below the age of 18 years. The covers all kinds of sexual abuses including penetrative and non-penetrative assault as well as sexual harassment and pornography, and deems a sexual assault is aggravated if the abused child is mentally unfit or the abuses has been committed by a person who holds the position of trust or authority for the child. The act also deals with punishment for trafficking of children for sexual purposes under abetment. The punishment is granted according to how grave the offence is maximum being rigorous life imprisonment and fine.

The abused child is medically examined in such a manner for the process to be as little distressful as possible. During the times of medical examination, the parents of the

child or any other person of trust and in the case of a female child victim a presence of a female doctor is suggested to provide emotional support to the child.

In these special courts the trials are conducted in a very child friendly manner there is also provision for trail-in-camera, the identity of the child is not revealed, aggressive questioning or character assassination of the child is prohibited. The child is given assistance of a special educator, parents or any other person familiar with the manner of communication as per the need of the child. The child need not be repeatedly called in person for trials the courts are suggested to follow a video link.

The act aims for the disposal of the case within one year of reporting the same. The courts also provide compensation to the children as per the gravity of the offence for the medical treatment of the child and rehabilitation.

The act recognizes almost all known forms of sexual offence. Different agencies of state, judiciary, and child protection machinery collaborate to secure justice and a safe environment for children. The mechanisms are kept child friendly so that the children who have been abused can come forward, talk about the abuse and overcome the trauma caused by it.

The act not only aims at punishing the offenders but is also determined in repressing the phenomenon of such offences. The act is executed with the active participation of the state government. Section 39 of the act orders the state government to frame guidelines for use of NGOs, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with pre-trial and trial stage to assist the child.

2019 AMENDMENT²⁶:

The Protection of Children against Sexual Offences Act (POSCO) 2000 was amended in the year 2019. The amendment bill was introduced in the Rajya Sabha on July 19, 2019. The act aims at protecting children against all kinds of sexual offences. The following amendments were introduced by the 2019 bill-

Penetrative sexual assault- According to the act a person is liable for penetrative sexual assault if he penetrated his penis into any part of the child be it the vagina, mouth, anus or urethra of the child or if he makes the child forcefully do the same. He shall also be liable if he insets any object to the child's body. The punishment

of such an act being seven to ten years of imprisonment.

Aggravated penetrative sexual assault- A person is guilty of aggravated penetrative sexual assault if he commits penetrative sexual assault while being in the position of power or trust for the child. Position of power refers to a person holding an office of a Police Officer, an army official or a public servant.

Aggravated sexual assault- Sexual assault is when a person wrongfully touches the penis, vagina, anus or breast of a child. The crime is said to be aggravated when it is committed by a person who holds a position of trust or power for the child.

Pornographic Purposes- The act also aims to punish those who use children for pornographic purposes or for sexual satisfaction.

OFFENCES	POCSO ACT, 2012	2019 BILL
Use of child for pornographic purposes resulting in aggravated	Min.:8 yrs. Max.: 10 yrs.	Min.: 5 yrs. Max :7 yrs.

²⁶ Protection of Children from Sexual Offences (Amendment) Bill, 2019; Protection of Children from Sexual Offences Act, 2012; PRS.

sexual assault.		
Use of child for pornographic purposes resulting in sexual assault.	Min.:6 yrs. Max :8 yrs.	Min.:3 yrs. Max :5 yrs.
Use of child for pornographic purposes resulting in aggravated penetrative sexual assault.	Imprisonment for life.	Min.:20 yrs. Max: Imprisonment for life.
Use of child for pornographic purposes resulting in penetrative sexual assault.	Min.:10 yrs. Max: Imprisonment for life.	Min.:10 yrs. (in the case of the child being below 16: 20 yrs.) Max: Imprisonment for life.
Use of child for pornographic purposes.	Max :5 yrs.	Min. :5 years

Storage of Pornographic material- The act also penalizes the storing of pornographic data related children. Any person who stocks such data shall be liable for punishment up to three years of imprisonment or fine or both.

The bill added to more provisions to the act, failing to destroy any such data are the distribution of such data shall also be punishable.

COMPARATIVE STUDY BETWEEN INDIA AND UNITED KINGDOM

Laws against child sexual abuse vary by country based on the local definition of who a child is and what constitutes child sexual abuse. However, the United Nations Convention on the rights of the Child is an international treaty that legally obligates nations to protect children's rights.

In India until 2012, the law that covered sexual offences were enshrined in three sections in IPC- rape, outraging modesty of a women and unnatural acts. The Protection of Children from Sexual Offences (POCSO), 2012 criminalizes sexual assault, sexual harassment and pornography involving a child. All sexual acts without

any exceptions are treated as a criminal offence if they involve a victim under the age of 18 years. Similarly, the age for giving consent is also 18 years. However, there has been provision for child marriage in India and hence resulting in underage sex. Consensual sex after the age of 16 can be excluded from the rigorous provisions of the act. Ignoring the role of consent in underage sex can lead to abuse of the legal system. Child pornography is illegal and strictly prohibited across the country.

In United Kingdom about 90% of cases the abuser is a person known to the child. The laws regarding the child sexual abuse is enshrined in Protection of Children Act, 1978, Civic Government Act, 1982 etc. the age of consent to any form of sexual activity is 16 years for both men and women. Marriage is allowed for 16-17 years old with parental consent. The law is to protect children and not to prosecute two people under the age of 16 who engage in mutually consensual sexual activity. However, in the interests of young children, anyone aged under 13 is not able to legally give consent. The Protection of Children Act criminalizes taking, possessing, making or distributing indecent photographs of children under the age of 18.

CASE LAWS RELATED TO SEXUAL ABUSE AGAINST CHILDREN

- Sakshi v. Union of India. In the mentioned case a writ petition was filed under Article-32 in the Supreme Court. Sakshi is an NGO that aims to provide legal, medical, residential, psychological and all other support and help to women. Their main focus are the women who have been a victim of any kind of sexual abuses.

The main question of the petition was can by the form of judicial interpretation the meaning of rape under section 375 of the Indian Penal Code be altered. The aim was to include all forms of penetration such as vaginal penetration, oral penetration, anal penetration, finger penetration and object penetration. Section 375 describes sexual intercourse only involving penetration of penis into the vagina. It was held that the clauses of section 375 are clear and unambiguous and thus need no interpretation or changes.

- State v. Pankaj Choudhury (2011) - the case took place in 2011 when abuses against children were also

governed by the Indian Penal code. This was a case of digital penetration of a minor. This kind of penetration was not recognized by the law. However today, after the introduction of POCSO Act in the year 2012, almost all kinds of known sexual abuses against children are covered.

- Boy's locker room incidence- A representation was made to the court to take suo-moto cognizance of an incidence which recently happened in Delhi, popularly known as the "boy's locker room" incidence. A letter was written to the Chief Justice D.N. Patel to take cognizance of the same.

In the letter it was stated that a group of boys from south Delhi between the age group of 16-18 years had a group by the name "BOYS LOCKER ROOM" on the social media platform Instagram. Here they shared pictures of minor girls with obscene comments written over them. There were also threats and offers to leak morphed nudes of girls. They also talked about planning a gang rape of another minor girl. This alleged incidence was brought before the school two months ago but no action was taken.

The people involved in the action shall be if found guilty shall be held under Section 13- *using a child for the purpose of pornography*, Section 15- *punishment for storage of pornography of a child* under the POCSO Act. Sections 354(A) (1) (iv), 499, 503, 507 and Section 509 of the Indian Penal Code. And under section 66(E) of the Information and Technology Act.

CONCLUSION

Child sexual abuse is one of the most heinous crimes that can ever be committed against the society. The sexual abuse of children not only disrupts the children but also slowly degrades the entire society. When a child is abused at a very young stage the incidence leaves a very long lasting and profound impact of the minds of the child. Most of these children never tell anyone of what happened because they are either afraid that no one is going to believe them or somehow find a way to blame themselves for the act. Some of these children also grow up to believe that such treatment by an adult to a young child is totally okay and acceptable. These impact not only the child but the society and the country at large. The children of today become the future of tomorrow therefore the children must be protected at all cost.

The process of curbing any crime from the society happens at three stages. Firstly, happening of the crime and the knowledge and acceptance among the members of the society that such a crime is present in their society. Secondly reporting of the crime, it is very important especially in India that we do not create such a taboo around crimes related to sexual offences, when a crime so intense comes with so many social stigmas attached to it, it is very difficult for the victim to come forward and say that they have been subjected to such issue. Lastly, after the crime has been accepted and reported it is important that the justice is served to the victim in the minimum time possible and the cases are not stretched for any longer than absolutely necessary.

There are different government and non-government organization working for the protection of children. Now there are strict laws in India for protection of children that cover almost every known type of sexual assault known to man, but and democracy cannot grow without the mindset of the people changing so it is very necessary that people are given sex education and the victims of such offences are encouraged to come forward and speak about the trauma they have been through.



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