

Child Sexual Violence in India

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A problem that is only beginning to come into light in India, rape, sexual abuse, and sexual harassment are worldwide issues of gender violence. There is very little research done in this area in India, and only a few books have been written, keeping the subject even further from the consciousness of the country. However, the problem persists with staggering incidence, and India's unique profile adds to the complexity of an already difficult subject.

Fortunately, the issue of child sexual abuse is slowly becoming a more recognized issue, and for this reason, this paper will focus much on sexual abuse against minor children: the laws, victims, and perpetrators. Finally, an analysis of the aspects of Indian culture that make this issue particularly difficult to understand and cope with will be presented.

What is the Law?

By usual definition, sexual assault is defined as sexual actions or advances without the consent of one party. However, legal definitions tend to differ somewhat. Sections 375 and 376 of the Indian Penal Code refer to rape. This defines rape as penile penetration of the vagina only. The punishment for such a crime ranges from seven years upwards (Virani, 2000). Unfortunately, this law neglects sexual crimes that include digital, oral, or object penetration, as well as sexual crimes against men.

Those committing the crime of sexual violence might also be punishable under other laws, such as Section 354, which is an assault or criminal force to woman with

intent to outrage her modesty. Many of the offenses listed below may also be applicable to crimes against adult women.

Unlike many other countries, laws in India do not distinguish child sexual abuse from rape. Indeed, the laws against child sexual abuse are only in their developing stage (Raman, 1995). Some parts of the law, however, are applicable to sexual abuse of a child: sale, hire, distribution, or circulation of obscene objects of literature to children (293); obscene acts or utterances in public places (294); causing grievous hurt (325); unnatural offense (377); cheating (417); indecent behavior (509); and intent to rape (511).

Several movements have been started to persuade amendments to the penal code adding specific crimes for sexual abuse. Though this has not yet been achieved, the issue has been raised and is being debated.

Who are the Victims?

WIN News (1999) reports that in Mumbai, 60% of rape victims are between the ages of three and sixteen, with 50% below the age of ten.

Unfortunately, these numbers represent only the most serious of cases. Most never get reported to the police in the first place. A study of slum girls by the Special Cell for Women and Children in Mumbai found that 11% reported having been sexually abused. According to a senior civic health official, Dr. Usha Ubale, “a large number of male members, including distant relatives, staying in a cramped space, make the girls vulnerable. They face constant sexual harassment, but cannot talk about this to anyone.” Because of their inability to discuss the incidents, most cases are unreported (WIN News, 1991).

Virani (2000) states that the World Health Organization found that at any given time, one of ten Indian children is the victim of sexual abuse. Tata Institute of Social Sciences found that 30% of girls and 10% of boys had been sexually abused, with 50% happening at home. In 1996, a now famous study conducted by Samvada in Bangalore found that 83% of girls had been subject to eve-teasing, with 13% of these under age ten. 47% had been molested, and 15% had been seriously sexually abused as children. Nearly a third were under age ten, and had been raped, forced into oral sex, or penetrated with foreign objects (Virani, 2000).

Though often considered an act against lower-classes, child sexual abuse affects the upper classes as well. A study by Rahi (Virani, 2000) in five major cities in India looked at the experiences of English-speaking middle- and upper-class adults. A whopping 76% reported sexual abuse as children. 35% of the attacks took place between the ages of twelve and sixteen, while 19% took place under age eight.

Dalit women and girls face even more exploitation. About 1,100 Dalits are sexually attacked each year, being physically harassed, molested, and raped, often by the rich (WIN News, 1999). As one Dalit woman stated, “If we are untouchables, why are we subjected to repeated rape by upper-caste landlords? How do landlords forget our untouchability when it comes to rape?”

Further adding to these startling numbers are the reported “disappearances” of rape victims in Delhi. Off Our Backs (2000) found that almost 70% of Delhi’s rape victims (those who reported the crime to the police), 51% of which were minors, simply disappeared. It has been suggested that “rebuke from parents, relatives, and friends; insecurity and threats from the rapist; a lengthy trial and little hope of conviction, and the

fear of harassment if the rapist goes free” may be some of the reasons that girls simply leave home, or are even thrown out by parents when news of the rape comes out in the open. In the case of children, this may also be because the abuse is occurring in the home, and he or she leaves to escape the abuse when the police are inactive.

The police in India determine “official” numbers to be 45% of girls and 25% of boys under the age of sixteen (Virani, 2000). The numbers continue to grow, with a 30% increase from 1993. A state-wise breakdown finds that Madhya Pradesh, Delhi, Maharashtra, Uttar Pradesh, Andhra Pradesh, and West Bengal account for about 65% of child-rape cases. All this amounts to more than 12 children being raped in India each day. That is only the reported cases of rape, not including unreported and other offences such as molestation (Virani, 2000).

It would be remiss to not also mention the issue of trafficking of children in India. Child prostitution and pornography are a huge business in South Asia and beyond, accounting for about a quarter of the commercial sex industry (Virani, 2000). There are an estimated 2 million child prostitutes (under the age of fifteen) at work in India, with about 500,000 children forced into the trade every day (Brown, 2000).

Who are the Perpetrators?

As with sexual abuse worldwide, the perpetrators are usually known to the victim. In an earlier-cited study by Samvada, 75% of the serious sexual abusers were adult family members. Overall, 50% of sexual abuse cases involved family members and close relatives and occurred at home (Virani 2000).

The Rahi study of upper-class women found similar results. 71% of those who had been sexually abused reported the abuser to be a relative or family friend (Virani,

2000). The abuser is someone known to the child, and may be part of her day-to-day life as a father, brother, cousin, servant, or friend.

When one hears of the sexual abuse of children by family members, it is often assumed that these are low-class and uneducated families. However, these are simply the cases that receive the most attention. Child abusers come from all strata of society; the perpetrators too may be high- or low-class. Most are working males; only 27% of the abusers in one study were non-working (Virani, 2000).

Though men are responsible for most of these acts, women too can be perpetrators. 10% of abusers internationally are women, though in India the number has been reported as nearer to 2%, with women sexually abusing both girls and boys (Virani, 2000).

What leads to these crimes?

Child sexual abuse in India is a serious problem. Though not unique to India, the country does have characteristics that add to the complexity and severity of the problem.

First, and often considered most important, are women's rights in general. Women in India are often treated as second-class citizens, kept in the home, sometimes silent and uneducated. Women face discrimination on many fronts, and this includes young girls as well, who are kept from attending school, and treated as more a burden than a blessing due to the need to produce a dowry to marry the child off. In marriage, women are a commodity to be sold and purchased. It is not hard to compare this to child prostitution, where women too are sold and purchased, only in this case in a practice not sanctioned by tradition and religion. This does not appear to account for boys being

raped. However, subjugating women may lead to subjugating other weaker members of society, including young boys and Dalits.

India is an overpopulated and poverty-stricken country. This often leads to living in close quarters. Young girls may live with dozens of male family members, putting them at an extreme risk in their own home. Even in the streets young women and girls face crowds and the anonymity that comes with this, leading to unwanted groping and eve-teasing.

Being abused as a child makes it nearly impossible for a girl to get married, thanks to the desire for only a pure and virgin bride. This might lead to the child refusing to disclose the crime, and parents forbidding its report to the police for fear that it might become public. When these crimes are brought to the justice system, part of the punishment for the criminal is often paying retribution to the victim because she will require a high dowry if she can get married at all. Police too have been reported to offer a settlement of a sum of money in exchange for the victim simply dropping the case.

India seems to have made all talk of sex taboo. This may lead to men feeling as though they need to get sexual gratification from any source possible (sadly, including children). Further, there is a lack of sex knowledge and a refusal to discuss the issue. Because of this, children are not being educated on sexual abuse when they are young, and therefore may not have the knowledge or confidence to disclose the act to someone who might be able to help.

A minor faces severe traumas after sexual assault (Raman, 1995). One of these is the justice system. In court, cases become weak for several reasons, including inadequate investigation and insufficient medical evidence. The laws too are very weak. The

National Commission for Women has recognized the unique character of the offence of sexual abuse. According to them, the existing law does not address the increasingly visible offence of child sexual abuse and contains serious contradictions that inhibit women as well as children from reporting crimes of sexual abuse. The existing definitions of 'rape' and 'molestation' do not adequately address the various types of sexual assaults in terms of women's experience nor do they sufficiently recognize the gender specific nature of such crime.

In sum, rape and sexual abuse of children in India is a large problem without an easy solution. Though the issue persists worldwide, India's culture which traditionally keeps women below men, makes talk of private matters such as such unallowable, and a corrupt and weak legal system when it comes to rape makes the problems even larger. However, the situation could be improved by appropriately educating children and adults on sexual abuse, and educating police and strengthening laws. Further women's empowerment may lead to healthy changes as well.

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