

FORENSIC STUDY ON CHILD SEXUAL ABUSE UNDER POCSO ACT

U. K. Kulkarni*, Dr. K. V. Kulkarni, R. N. Kokre and B. B. Daundkar

Directorate of Forensic Science Laboratories, Mumbai, Maharashtra.

* Corresponding Author: U. K. Kulkarni

Directorate of Forensic Science Laboratories, Mumbai, Maharashtra.

Article Received on 20/05/2016

Article Revised on 11/06/2016

Article Accepted on 02/07/2016

ABSTRACT

Children are the GOD gift to humanity but among them are most vulnerable sections in any society. Their sexual abuse is one of the most heinous crimes imaginable. Child Sexual assault is a serious, pervasive social issue POCSO act is formulated to effectively address the heinous crimes of sexual abuse and sexual exploitations of children. Every day, Forensic science Laboratories receives 5 to 6 cases of child sexual abuse. So objective of this study is to bring out some shocking facts and its main finding in relation with sexual abuse which are- child sexual abuse cases under IPC 376,377,354 POCSO act 2012 were reported by 48% children. Among them, 43% were male child and 54% were female child, 24% of child respondents faced severe forms of sexual abuse, 19% had been sexually assaulted and 57% reported other forms of sexual abuse. This paper also represents a humble attempt to highlight briefly on the awareness of POCSO act.

KEYWORDS: POCSO act, IPC, Child sexual abuse.

INTRODUCTION

India is the second populous country in the world, and latest census reveals that its home of 18% of the world population.^[1] In India, Maharashtra is one of the most developed states and is among the top three states with the highest recorded child rape cases from 2011 to 2014 (NCRB) Problem of children is global one and exists in all societies and countries of the world whether they are developed, developing and underdeveloped.

Child sexual abuse or child molestation is a form of abuse in which an adult or older adolescent uses a child for sexual stimulation. It is a kind of physical or mental violation of child with sexual intent usually by a person.^[2] Before 2012, only sexual offences against children recognized by the law which covered by three sections of Indian penal code, (not specific to children) i.e. sexual intercourse without consent—376 unspecified acts—354, Homosexuality/bestiality/sodomy—section 37 etc.^[4,5]

Sexual assault is an assault of a sexual nature on another person, or any sexual act committed without consent. Although sexual assaults most frequently are by a man on a woman, it may involve any combination of two or more men, women and children.^[10]

Government of India passed a special law called as “Protection of children from sexual offences” (POCSO-2012). This act criminalizes sexual assault, sexual harassment and pornography involving a child less than

18 years of age.^[3,6,7] Forensic science laboratory plays an important role to analyzing such CSA cases under POCSO act. Every day, Forensic laboratory received CSA cases. The objective of this paper is focuses on CSA case with the details history of victim, age distribution, relation of victim with accused, injury pattern over the body of victim also author had made a humble attempt to highlight briefly on the awareness of POCSO act.

MATERIALS AND METHODS

The current study was carried out at Directorate of forensic science laboratories, Biology Division Mumbai, Maharashtra.

A total of 1200 Child sexual assault cases registered under section 376, POCSO 2012, 4, 8 IPC and other different sections of the Indian law received for chemical analysis during the period January to December 2015 at Forensic Science Laboratory Mumbai. Out of these, we studied 100 cases of child sexual assault.

According to police forwarding letter and Medical officers form standard protocol was prepared which included all the relevant information such as details of victim/child, sex, age, relation of victim with the accused (assailants), injuries, if any over the body of victim were noted.

RESULT

While studying the child sexual assault cases, CSA data brought out some shocking facts and its main finding were as follows;

Gender

- Out of the 100 CSA cases studied, 43% were male child and 57% were female child.
- The majority of victims in sexual assaults cases, both males and females were much more likely to be victimized by someone they knew (73% and 71%, respectively) versus a stranger (27% and 29%, respectively).^[9]

Age

- Minimum age of victim (female child) was 2 years and Maximum age of victim of female child was 17 years, as shown in Figure 2.
- Minimum age of victim (male child) was years and Maximum age of victim of male child was 17 years.
- As shown in Figure 2: Severest sexual abuses were in the age group of 11-14 years. 34% of victims were in the age group of 11-14 years (female child) and 41% of victims (male child).
- 5-11 years age groups of children also faced higher levels of abuse i.e. 31%, 29% (female child, male child respectively) but largely unreported in time on account of innocence of victim.
- 28% victims were an age group of 14-18 years (female) and 22% victims (male child).
- Out of 57% cases, 5%,3% cases belonged to age group 3-7 years followed 2%,1% cases from age group 0-3 years for female and male child respective.

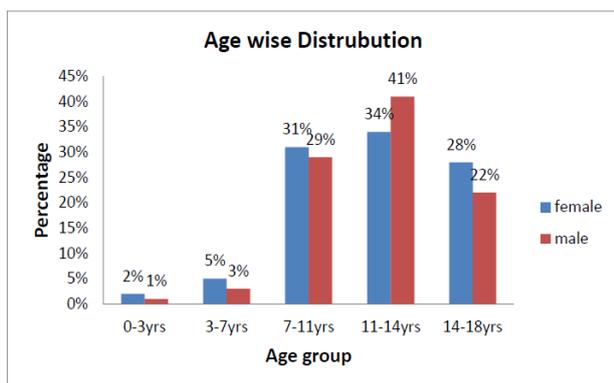


Figure 2

Victim –assailant relationship

- Of the total cases, 22% represent individual cases of sexual assault perpetrated by a stranger(s) and 68% represent individual cases of sexual assault perpetrated by a known assailant(s). Figure 3:
- 40% of cases where the victim was assaulted by a known assailant, the assailant was an acquaintance.i.e. 28% of sexual offenders were known to victim or were in positions of trust .Figure 3:

- Known assailants include the following relationship types: parent, relative, parent’s live-in partner, boyfriend/girlfriend, ex-boyfriend/ex-girlfriend, acquaintance, friend, neighbor and other.
- There were only 27 % of cases where the accused were strangers. (It has been noticed that Sexual assault by friends and known to victim are common than strangers).Figure 3:
- While all victims were more likely to be victimized by someone known to them, stranger assaults became more common as victim age increased.
- There were 2% of cases in which victims were domestic workers.
- We had 5% of cases where victims were child labour.

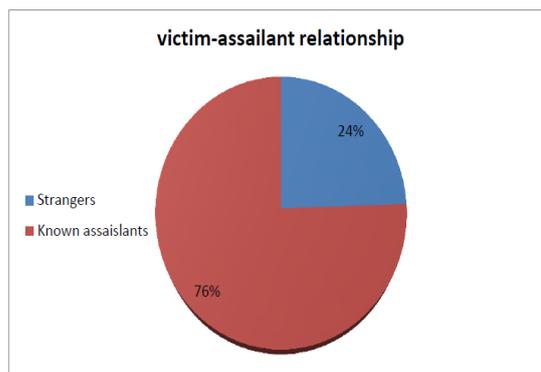


Figure 3.

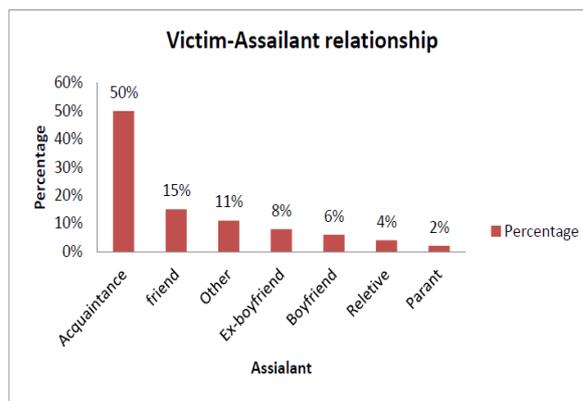


Figure 4.

Assault surroundings

- The highest incidence of sexual assault was reported in children on rented house/apartment, railway station, street, vehicle, open place, at work and in the institutional care.
- As shown in Figure 4, the majority of victims of both stranger and known assaults indicated that the assault took place in a house or apartment (42% vs. 71%, respectively).
- commonest place of sexual intercourse, as the victim girls beloved with the boyfriend and started to live separately at a distant place.

Assault surrounding	Percentage
Rented house/Apartment	31%
Railway station	21%
Street	13%
Institutional care	09%
vehicle	15%
Open space	11%

Figure 5.

Data overview

This study represents the fact and figures of child sexual assault cases in Mumbai. According to Indian Invoice, two children get sexually abused in Mumbai every day. Shocking figures collected from police stations and four city hospitals authorized to handle cases under the Protection of Children From Sexual Offences Act (POCSO) reveal that instances of child abuse in Mumbai have been rising consistently and 2016 could be the city's worst year so far.^[11]

The largest number of child sexual abuse cases in Mumbai are registered with the Sion Hospital, in the past six months, sion hospital has handled 183 POSCSO cases. Of these 64 involved children under 12 years of age. Nair Hospital handled 72 cases in this period and 18 were children under 12 years.(Figure No.,6)



DISCUSSION

This paper summarizes the findings of forensic studies and reports that out of 100 cases studied, 57% were of female child and 43% were of male child. 28 % of child sexual abuse occurs in the family and around 09 % in institutional settings.

Girls are more vulnerable to sexual abuse, although boys too reported a high percentage of victimization and as subject to greater social stigma. However, factors that facilitate child sexual abuse such as poverty, overcrowding, extended family living arrangements, abundance of street children and lack of recreational facilities in families.

Figure 3 and 4 indicates that the majority of assailants is known to victim, including friends, boyfriend, and relatives and typically are well acquainted with the victim. The fact that children are most at risk from their friends and relatives.

POCSO 2012 act has undoubtedly made a significant contribution to trickling the problems of CSA in India. It had identified and criminalized a range of unacceptable sexual behaviors that pose a threat to children. State authorities, police and educational institutions have done little to spread awareness of POCSO the result is obvious. Ignorance is bliss. Even though the numbers of reported cases in forensic science laboratories are increasing rapidly; this indicates that there is an urgent need to train teachers, parents NGOs, medical officers, Judicial, Law enforcing authorities who are involves in POCSO act. Research, information monitoring and sensitizing the public are the biggest challenge to all.

CONCLUSION

As crime against the children is increasing, the future of this nation is at stake. It is the responsibility of each and every one concern to take the necessary preventative steps towards insuring child protection and safety. The offence of rape is grave in itself when it comes to child rape. It is one of the shameful treatment, that could ever met to every kid, the age when the kids are supposed to grow develop, learn to perceive the world in a completely different way at that vary age they learn, very aspect of betrayed, distrust and all emotion of hatred. The children's are the country's greatest human resources and a measure of the country's social progress, lies in the wellbeing of its children; that they are healthy, educated, safe and happy and have access to life opportunities.

So there is a dare need for efficiency and transparency in the system and police must exercise their power impartially. There is an imperative need for awareness among common people and parent, that they have their rights and they can exercise them and lay man can approach the police without any fear. Also there is a need for conducting a efficient training session for children and teacher. The child line should be displayed in the institute and hospitals for reporting any case of known or suspected child abuse.

ACKNOWLEDGEMENT

Authors are thankful to Mr. Prabhat Ranjan (IPS) Director General (legal and Tech) for his keen interest and valuable guidance in this work.

REFERENCES

1. Dr. S.D. Moharana et all, Protection of Children against Sexual Offences Act, 2012; An analytical Study: Inter. j. of Academic Research 2015; 3(3): 85-92.
2. Kumar-pal SA, Study of Sexual Assaults in Northern Range of Himachal Pradesh Inter. J. of

- Medical Toxicology and Forensic Medicine. 2015; 5(2): 64-72.
3. Protection of Children from Sexual Offences Act (POCSO), 2012: <http://www.mapsofindia.com/my-india/government/the-protection-of-children-from-sexual-offences-act-2012-pocso>.
 4. Criminal Law (Amendment) Act, Government of India, 2013. Retrieved 2013-04-16.
 5. Section 376A, Criminal Law (Amendment) Act, 2013. Government of India, 2013. Retrieved 2014-04-16.
 6. Sarkar SC, Lalwani S, Rautji R, Bhardwaj DN, Dogra TD. A study on victims of sexual offences in South Delhi. *J Fam welf*, 2005; 51(!): 60-6.
 7. Bhardwaj DN, Sharma RK, Sagar MS, Murty OP. Study of sexual offences in South Delhi. *J Forensic Med Toxicol.*, 1995; XII(3&4): 33-4.
 8. Roy Chowdhury UB, Bose TK. Rape: Its medicolegal and social aspect. *J Indian Acad Forensic Med*, 2008; 30(2): 69-71.
 9. Mica Astion, Research and Policy Analysis Division in the Massachusetts Executive Office of Public Safety and Security, 2008.
 10. Keith Mant A. *Taylor's Principles and Practice of Medical Jurisprudence*. 13th ed. London; Churchill Living stone. 64-106.
 11. <http://indian-voice.in/2016/02/2-children-get-sexually-abused-in-mumbai>.