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A COMPREHENSIVE ANALYSIS OF CHILD SEXUAL ABUSE IN CHENNAI DISTRICT, TAMIL NADU

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ABSTRACT

Since the dawn of civilization, women and children worldwide have been the most vulnerable members of society, suffering from a bundle of sexual exploitation. Child Sexual Abuse (CSA) includes genital penetration, inappropriate touching, groping and fondling, but most reported cases are those involving penetration and defilement. CSA has been recognized as a prevalent international problem of major proportions, affecting children of all generations, ages, genders, ethnicities and socio-economic classes. It brings with it pressing human rights and public health issues and poses an ongoing challenge to the justice system. This reinforces the provision of the POCSO Act that children below 18 years of age cannot give consent for sexual intercourse despite consent. In our study, there is a majority of victims who consented to sex but were younger than eighteen years. This shows that the minimum legal age for sex is not known for both genders. The cases were reported by Hindus, Muslims and Buddhists/Tibetans. A number of these factors have a direct impact on the sentencing of offenders. In fact, it is the need of the hour to review the efficiency and effectiveness of the legal provisions on sexual abuse in India.

Key words: POSCO, Sexual abuse, harras, Forensic, CSA

Introduction

Since the dawn of civilization, women and children worldwide have been the most vulnerable members of society, suffering from a bundle of sexual exploitation. Child Sexual

Abuse (CSA) includes genital penetration, inappropriate touching, groping and fondling, but most reported cases are those involving penetration and defilement. CSA has been recognized as a prevalent international problem of major proportions, affecting children of all generations, ages, genders, ethnicities and socio-economic classes. It brings with it pressing human rights and public health issues and poses an ongoing challenge to the justice system. Child abuse is tantamount to a silent emergency, both for health and for justice. However, it often goes unnoticed and unreported, leaving children more vulnerable to repeated exploitation and suffering. Poverty is the mother of many social ills and CSA is one of these derivatives. Child trafficking also encompasses various types of exploitation, including sexual violence, flesh trade and forced marriage. Globally, there are a number of myths and stereotypes associated with CSA that further complicate matters. No community or jurisdiction has yet been able to develop a mechanism to ensure that none of their young people are sexually abused.

The POCSO Act was analyzed to examine the realities on the ground in comparison to the legislative intent embodied in the Special Act and other legal instruments. Using mixed methodology and content analysis for data collection, facts and statistics on various legal issues were collected to answer the main research questions after a detailed study of these court judgments. Qualitative research tools were also used to gather input from various stakeholders and experts. To summarize, this study undertakes an empirical analysis of the implementation of various provisions of the POCSO Act and also provides some insights into the socio-economic aspects of the victims and accused. It also examines the role of forensic evidence in the adjudication of child sexual exploitation cases.

Objectives of the study

1. To examine the socio fiscal conditions of sexual harass losses in the Chennai district.
2. To analyze the sexual harass according to time of Year and spot of the incidence in the study area.
3. To evaluate the sexual harass losses according to relationship to accused and the Forensic test period of time in the study area.
4. To give suggestions of the present research of the study.

Methodology of the study

The present research work was conducted in the Department of Biology and Serology, Regional Forensic Laboratory, Chennai District, Tamil Nadu. It was based on the cases of alleged sexual harassment registered under the POSCO Act, 2012, received for investigation in the districts of Chennai in Tamil Nadu during the period from 2022 to 2024. The data was collected from the sample respondents given by the aggrieved party during the assessment and results of forensic laboratory examination of the evidence. The details of socio-economic conditions such as gender, age, religion, marital status, occupation, season, place of occurrence, kinship of the accused, period of suspected occurrence and medical examination, condition of hymen and results of forensic laboratory examination of the exhibits were recorded in a personal Performa. The collected data was statistically analyzed and the results were discussed in this research paper.

Analysis and Discussion

The first objective of the present work was to examine the socio fiscal conditions of sexual harass losses in the Chennai district.

Table.1

Socio- fiscal conditions of sexual harass losses in the Chennai district.

S.No	Information	No. of Respondents	Percentage (%)
I.	Gender		
	Female	239	95.60
	Male	07	2.80
	Not mentioned	04	1.60
	Total	250	100.00
II.	Age		
	Below 5 years	12	4.80
	6-10 years	13	13.20
	11-15 Years	84	33.60
	16-18 years	120	48.00
	Total	250	100.00
III.	Religion		
	Hindu	225	90
	Muslims	17	6.80

	Christians	03	1.20
	Sikkiyam	01	0.40
	Not mentioned	04	1.60
	Total	250	100.00
IV.	Conjugal position		
	Unmarried	243	97.20
	Married	03	1.20
	Not mentioned	04	1.60
	Total	250	100.00
V.	Occupation		
	Student	178	71.20
	Jobless	15	6.00
	School dropout	11	4.40
	Home based / Domestic workers	11	4.40
	Infant	01	0.40
	Not mentioned	33	13.20
	Total	250	100.00

Source: Primary Data.

Result of the table.1

The current study examines 250 cases of sexual harassment of children in the years 2021 to 2024. Of the 250 cases, 239 (95.60%) were female and 07 (2.80%) were male sexual harassment. The age of the victims ranged from a few days to 18 years. The most vulnerable age group was 16-18 years 120 (48.00%), followed by 11-15 years 84 (33.68%), 6-10 years 33 (13.20%) and 0-5 years 12 (4.80%). Most of the victims were Hindus 225 (90.00%), followed by Muslims 17 (6.80%), Buddhists/Tibetans 3 (1.20%) and Christians 1 (0.40%). Marital status of victims 243 (97.20%) victims of sexual harassment were unmarried, followed by married in 3 (1.20%) cases. Majority of the victims 178 (71.20%) were students, followed by unemployed in 15 (6.00%), school dropouts in 11 (4.40%) and domestic servants/housewives in 11 (4.40%) cases Secondly, the current research analyzes sexual harassment by season and location of occurrence in the study area.

Table. 2

Time of Year and Spot of Incidence

S.No	Information	No. of Respondents	Percentage (%)
I.	Time of Year		
	Winter [Dec –Mar]	79	31.61
	Summer [Apr –June]	61	24.40
	Monsoon [July – Sep]	75	30.00
	Autumn [Oct – Nov]	35	14.00
	Total		
II.	Spot of Incidence		
	Suspected Home	43	17.20
	Accused Home	97	38.80
	Forest	23	9.20
	Roadside	15	6.00
	Fields	10	4.00
	Rented / Friends Room	10	4.00
	Coaching class room	01	0.40
	Various place	03	1.20
	Lodge Room	14	5.60
	School class room	01	0.40
	Guest house	08	3.20
	Panchayat house	01	0.40
	Temple House	04	1.60
	Hostel room	01	0.40
	Cowshed	04	1.60
	Bus stand	07	2.80
	Car	03	1.20
	Unknown Place	01	0.40
	Not mentioned	03	1.20
	Total	250	100.00

Source: Primary Data.

Result of the table.2

In Table 2, the highest number of harassment reported in winter season 79 (31.60%), followed by monsoon season 75 (30.00%), summer season 61 (24.40%) and fall season 35 (14.00%). The place of molestation was accused's house in 97 (38.80%) cases, followed by victim's house in 43 (17.20%), jungle/fields in 23 (9.20%) and roadside in 15 (6.00%) cases

Thirdly, assess the losses due to sexual harassment according to the relationship with the accused and the period of forensic investigation in the study area.

Table. 3
Relationship to accused and Forensic test period of time

S.No	Information	No. of Respondents	Percentage (%)
I.	Relationship to accused		
	Friends	32	12.80
	Neighbour	66	26.40
	Strangers	26	10.40
	Relatives	35	14.00
	Close Friends	41	16.40
	Students	06	2.40
	Teachers	06	2.40
	Acquaintance	04	1.00
	Father	10	4.00
	Uncle	04	1.60
	Grandfather	03	1.20
	Boy friends	14	5.60
	Shopkeeper	01	0.40
	Servant	01	0.40
	Tenant	01	0.40
	Total	250	100.00
II.	Forensic test period of time		
	Same day	37	14.80
	Second day	69	27.60
	Third day	28	11.20
	Fourth day	23	9.20
	Up to one week	11	4.40
	Up to second Week	08	3.20
	Up to one month	37	14.80
	After one month	28	11.20
	Non availability of Data	08	3.20
	Total	250	100.00

Source: Primary Data.

Results of the Table.3

With regard to the accused, in 224 (89.60%) cases of sexual harassment of women, the offense was committed by familiar persons, while in 26 (10.40%) cases the attackers were not known to the victims. In 32 (12.80%) cases, the alleged perpetrators were friends, followed by neighbors in 66 (26.40%), relatives in 35 (14.00%) and strangers in 26 (10.40%) cases. In 17 (6.80%) cases, the female victims were sexually abused by family members (father, uncle and grandfather). In 69 (27.60%) cases, forensic examination was done on the second day of the incident, followed by 28 (11.20%) on the third day up to one week, 46 (18.40%) after one week up to one month, 37 (14.80%) on the same day and 28 (11.20%) after one month.

Table .4
Status of Hymen

S.No	Hymen	No. of Respondents	Percentage (%)
1.	Hymen intact	30	12
2.	Hymen ruptured / torn old tear	55	22
3.	Hymen ruptured / torn recent tear	108	43.20
4.	Hymen absent	14	5.60
5.	Non availability of data	43	17.20
	Total	250	100.00

Source: Primary Data.

Results of the Table.4

The hymen was found to be torn/ruptured with new tears in 108 (43.20%), torn/ruptured with old tears in 22 (22.00%), intact in 22 (12.00%) and absent in 14 (5.60%) victims of sexual assault.

Diagram.1

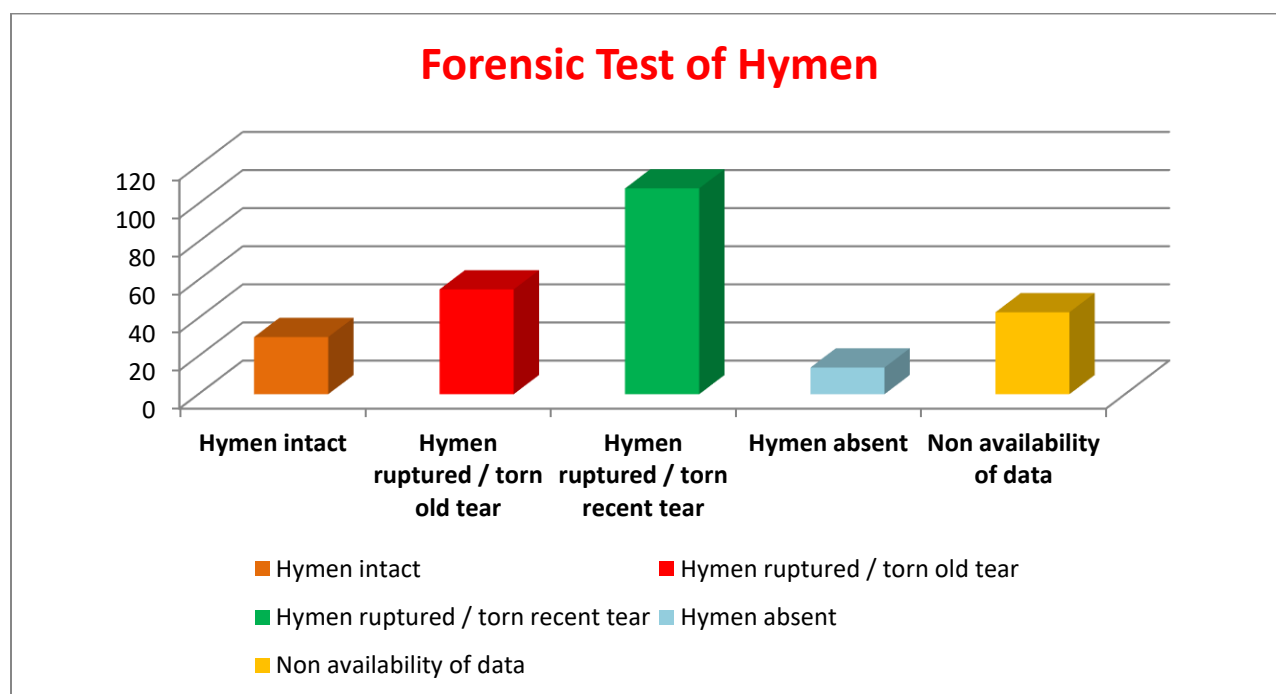


Table.5

Detection of Spermatozoa

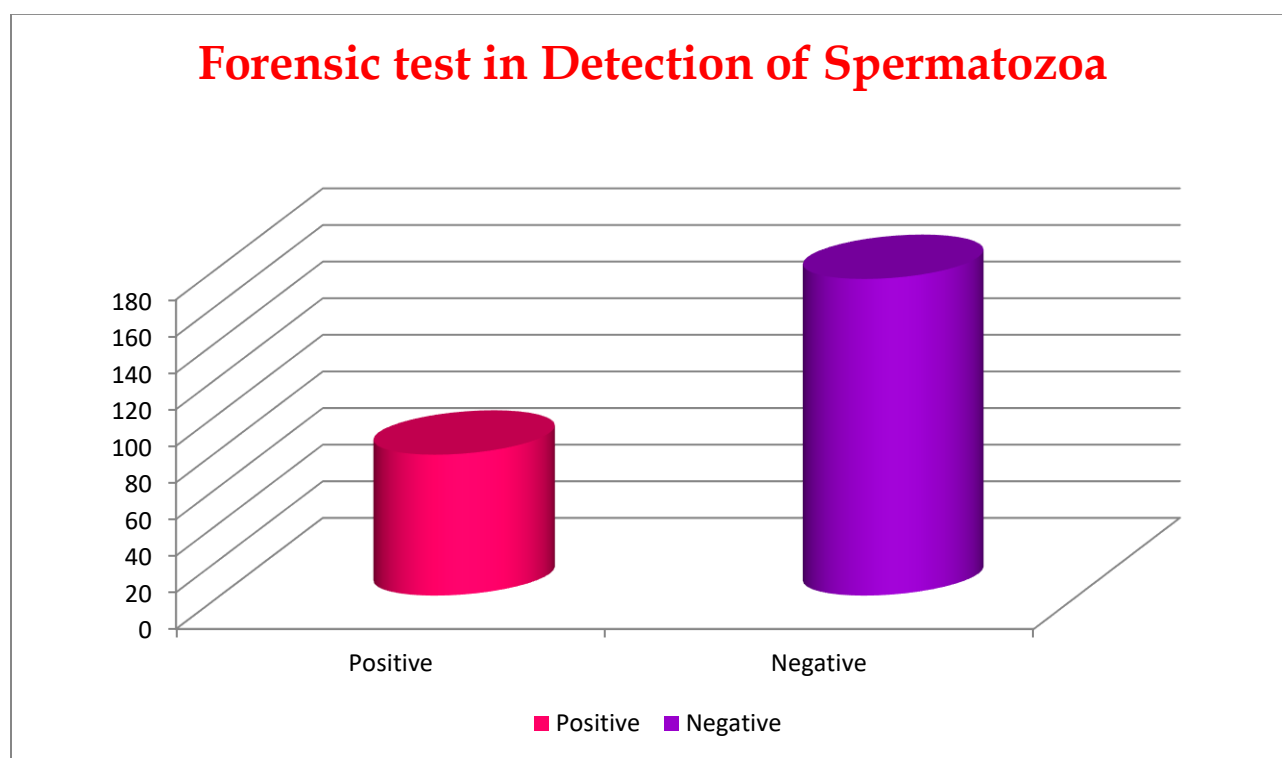
S.No	Spermatozoa	No. of Respondents	Percentage (%)
1.	Positive	77	30.80
2.	Negative	173	69.20
	Total	250	100.00

Source: Primary Data

Result of the Table.5

In 77 (30.80%) cases of sexual assault, spermatozoa were detected on underwear, pubic hair, vaginal swabs, vaginal swabs, clothing and bed sheets, indicating recent vaginal intercourse.

Diagram.2



Important findings and discussion

Sexual abuse is prevalent in all races, cultures and socio-fiscal groups around the world. Various studies conducted worldwide have shown that cases of sexual assault are increasing among both children and adolescents. Most girls are vulnerable to sexual abuse, although boys also report a high percentage of victimization and face greater social stigma. In the present study, the majority of victims were female, 239 (95.60%), while males were sexually abused in only 7 (2.80%) cases. The low percentage of male victims may be due to under-reporting, the prevalence of gender stereotypes, social denial of male victims, trivialization of male victims and the relative lack of research on sexual abuse of boys.

In this study, 33 (18.23%) children were under the age of 10, while 204 (81.71%) cases were in the 10-18 age group. In this study, the most vulnerable age was 16-18 years in 120

(48.00%) cases followed by 11-15 years in 84 (33.60%) cases. The present study is in agreement with the study of Demireva et al. who reported 38.73% victims in the age group of 14-17 years and the study of Kaushik et al. who found that 45.16 of the alleged rapes occurred in the age group of 14-17 years.

The studies by Haider et al. and Sarkar et al. [18] came to similar conclusions, indicating 11 to 20 years as the most affected age group. This reinforces the provision of the POCSO Act that children below 18 years of age cannot give consent for sexual intercourse despite consent. In our study, there is a majority of victims who have consented to sex but are younger than eighteen years. This shows that the minimum legal age for sex is not known for both genders. The cases were reported by Hindus, Muslims and Buddhists/Tibetans. In the present study, most of the victims were Hindus 225 (90.00%), followed by Muslims in 17 cases (6.80%),

Buddhists/Tibetans in 03 (1.20%) cases and Christians in only 1 (0.40%) case. The results are consistent with the study by Bhowmik and Chahila, which can be explained by the predominance of Hindus in most of the areas studied. 243 (97.20%) victims of sexual assault were unmarried and 05 (1.20%) were married. Similar findings were made by Suri and Sanjeeda.

In our study, the place of occurrence was the house of the accused in 97 (38.80%) cases, followed by the victim's house in 43 (17.20%) cases and in 110 (44.00%) cases in different places. Our results are consistent with the study of Maring et al. who reported the defendant's house as the crime scene in 40.54% of cases and Haridas et al. reported the defendant's house as the crime scene in 45.39% of cases. Our study also agrees with the study of Roy Chowdhary et al. who reported 22.5% of cases in the victim's house.

In the present study, hymen was found to be torn/ruptured with new tear in 108 (43.20%), torn/ruptured with old tear in 55 (22.00%), intact in 30 (12.00%) and absent in 14 (5.60%) victims of sexual assault. Our study is in agreement with the study of Sarkar et al. in which rupture of hymen was found in 85% of cases, most of which were old tears. This study agrees with Arif et al. who reported that the hymen was intact in 13.3% of cases. Our study also agrees with Lackew, who found recent hymenal tears in 42.9% of cases. Adams et al . reported that in 22% of cases the hymen had recently ruptured, and Sukul et al . found old hymenal tears in 86.2% of cases. Kar et al . reported that 28.2% of victims had old hymenal tears and 3.8% had

recent hymenal tears. These findings showed that recent and old hymenal tears were reported in majority of cases. Hymen tears is not the criteria to fix sexual intercourse as inserting tampons, masturbating, or participating in strenuous physical activities like gymnastics or horseback can cause rupture to the hymen.

The microscopic detection of spermatozoa in the stains and swabs is usually used to confirm the presence of semen and thus scientifically corroborate an alleged sexual offence. In the present study, 77 (30.80%) cases of female sexual assaults were found positive for spermatozoa and negative in 173 (69.20%) cases. The results of the present study are in agreement with study of Arif et al⁴. who reported semen in 27.77% cases and negative in 72.22% cases, AlMadni et al⁵. who detected semen in 28.3% cases and Kumar et al⁶. Who reported positivity for spermatozoa in 22.85% cases. The causes of non-detection of spermatozoa in most of cases were due to delayed in reporting/disclosure, uses of condom, washings of genitals, bathing or show wrestling and sexual intercourse with ejaculation outside the genital area. Even in Western countries, only 10-15% of rape cases are reported to the police.

Conclusion

The present study aims to examine the impact of legal measures against CSA in India. To achieve this broad objective, nearly 4400 judgments of various constitutional courts⁴ since the enactment of the POCSO Act were analysed to examine the actual realities against the legislative intent enshrined in the Special Act and other legal instruments. Using mixed methodology and content analysis for data collection, facts and statistics on various legal issues were collected after a detailed study of these court judgments to answer the main research questions. Qualitative research tools were also used to gather input from various stakeholders and experts. To summarize, this study undertakes an empirical analysis of the implementation of various provisions of the POCSO Act and also provides some insights into the socio-economic aspects of

⁴ Arif M, Ahmed M, Chaudhary MK (2014) Medico legal analysis of child and adolescent victims of sexual assault in Lahore- A Retrospective Study. *PJMHS* 8(2): 446-452.

⁵ . AlMadni O, Bamousa M, Alsaif D, Kharoshah MAA, Alsowayigh K (2012) Child physical and sexual abuse in Dammam Saudi Arabia. A descriptive case analysis study. *Egyptian Journal of Forensic Sciences* 2: 33-37

⁶ Kumar SP, Sharma A, Sehgal AK, Rana AS (2014) A study of sexual assaults in northern Range of Himachal Pradesh. *International Journal of Medical Toxicology and Forensic Medicine* 5(2) 64-72

the victims and accused. It also examines the role of forensic evidence in the adjudication of child sexual exploitation cases.

Sexually abused children and their parents are docile bodies that, as Foucault argues, can be “subjugated, used, changed and improved” through discipline. This disciplinary power is exerted on them both by society, which stigmatizes victims of sexual abuse, and by the degree of accessibility, efficiency and accountability of the justice system in administering justice. It is usually the discriminatory power of people's looks or verbal communication that weakens the willingness of victims to seek justice. Since the judiciary or the government machinery is responsible for dispensing justice, victims feel at the mercy of external forces that they cannot control. It is common knowledge that in most cases, it is unlikely that justice will be served to the victims in time. This prevalent societal perception further weakens victims' ability to act and their willingness to seek justice. A number of these factors have a direct impact on the sentencing of offenders. In fact, it is a need of the hour to review the efficiency and effectiveness of the legal provisions on sexual abuse in India.

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