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# Sexual Abuse in India

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DEVESH GARG<sup>1</sup>

## ABSTRACT

*Sexual abuse or sex abuse is also referred to as molestation, is abusive sexual behavior by one person upon another. It is often perpetrated using force or by taking advantage of another. Molestation often refers to an instance of sexual assault against a small child, whereas sexual abuse is a term used for a persistent pattern of sexual assault. Due to sexual abuse some children and Adolescents face emotional disorder and psychological disorder from that they never overcome. This paper provided an outline of the sexual abuse in India, along with some significant rulings from the Supreme Court.*

**Keywords:** *Sexual Abuse, children, assault, molestation.*

## I. INTRODUCTION

Sexual abuse is a pervasive problem. The abuse can lead to shock, fear, sadness, and in some cases, an anxiety or depressive disorder. But therapy, coping skills, and social support can relieve the burden and help survivors heal.

Personal, societal, and legal hurdles often prevent survivors from disclosing the abuse and receiving the help they deserve. Although the #MeToo movement and the national discussion that ensued helped to address sexual harassment and assault, there's still a long way to go to create cultural change and stop sexual violence.

There are few offenses more painful to contemplate than child sexual abuse. Parents or loved ones may hesitate to raise such a concern with their child, but if they are worried, they should gently but directly ask. Ending any contact with the perpetrator and beginning therapy can help survivors of childhood abuse begin to heal, regardless of how recently the event occurred.

Child sexual abuse is a form of child abuse that includes sexual activity with a minor. A child cannot consent to any form of sexual activity, period. When a perpetrator engages with a child this way, they are committing a crime that can have lasting effects on the victim for years. Child sexual abuse does not need to include physical contact between a perpetrator and a child. Some forms of child sexual abuse include (but are not limited to):

- Exhibitionism, or exposing oneself to a minor

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<sup>1</sup> Author is a student at B.S. Anangpuria Institute of Law, Alampur, Faridabad, Haryana, India.

- Fondling
- Intercourse
- Masturbation in the presence of a minor or forcing the minor to masturbate
- Obscene conversations, 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
- Any other contact of a sexual nature that involves a minor.

## **II. SEXUAL ASSAULT**

Sexual assault is a legal term used to describe a range of sexual offences, from showing indecent images to another person, to kissing or touching them, as well as penetration of the person's body with a body part or object.

If someone:

Does something sexual that makes you feel uncomfortable; or

Touches your body when you do not want them to, it may be a sexual assault

Different kinds of touching or behavior might be sexual assault, it depends on:

- Where and how it happens;
- What the perpetrator is thinking when they do it;
- The age of the victim;
- What the victim thinks; and
- What a reasonable person would

'Sexual assault' is often called other names like:

Sexual abuse, rape, indecent behavior, indecent assault, sexual molestation, incest, child sexual abuse, child sexual assault, touching, 'feeling up', sexual harassment.

The legal term for all these kinds of offences is 'sexual assault'.

If someone does something to make you feel that you have been assaulted, you can seek help from health and counseling services, including sexual assault services. This applies even when you don't want to report to police, or if you have reported to the police, but they do not believe that a crime has been committed.

If you are not sure whether you have been sexually assaulted or not, you can contact a sexual assault service or legal service. There are specially trained people who can help you understand what has happened to you and what your options are.

Some people blame victims or make victims feel that they somehow asked to be raped because of how they looked or dressed, or where they were at the time. This is not right. It is never a victim's fault.

Sexual assault is always a crime. It is most commonly committed against women and children by people they know, such as boyfriends, fathers, neighbours, step-fathers, bosses, uncles, husbands or partners.

Sexual assault is a crime where the attacker uses force, abuse of power, violence, threats or tricks to control or take advantage of the victim.

Sexual assault is grouped into different types of offences.

Offence	What does it mean? (some examples)
Sexual Act	<p>A person shows you their penis or masturbates/touches their penis in public;</p> <p>A person makes you look at porn (sexual pictures or videos) in a magazine, on a computer, phone or on television;</p> <p>A person sends your naked picture to other people or posts it online (sexting or cyber-bullying may fit in this category but are also a separate offence); or</p> <p>Any other sexual act that would make most people feel very uncomfortable.</p> <p>It is not necessary to show that it caused fear/distress.</p>
Sexual touching	<p>A person touches you in a sexual way on your breasts, vagina or anus;</p> <p>Includes touching over the top of or under your clothing that does not penetrate in any way;</p> <p>Kissing; or</p> <p>A person makes you touch their penis, vagina or anus.</p>
Sexual Assault	<p>A person has sexual intercourse with you when you do not want to or you cannot consent; and</p> <p>That person knows you do not want to or cannot consent, or has no reasonable</p>

Offence	What does it mean? (some examples)
	grounds to believe you consented.
Aggravated Sexual Assault	A person has sexual intercourse with you without your consent in aggravating circumstances.

### **(A) How common is sexual abuse?**

Sexual violence is a pervasive problem. In America, one in three women and one in four men experience sexual violence in their lifetimes, according to the National Institutes of Health. And those numbers are likely an underestimate due to the shame and fear that prevent many survivors from reporting abuse.

### **(B) What do perpetrators of child sexual abuse look like?**

The majority of perpetrators are someone the child or family knows. As many as 93 percent of victims under the age of 18 know the abuser. A perpetrator does not have to be an adult to harm a child. They can have any relationship to the child including an older sibling or playmate, family member, a teacher, a coach or instructor, a caretaker, or the parent of another child. According to 1 in 6, “[Child] sexual abuse is the result of abusive behavior that takes advantage of a child’s vulnerability and is in no way related to the sexual orientation of the abusive person.”

Abusers can manipulate victims to stay quiet about the sexual abuse using a number of different tactics. Often an abuser will use their position of power over the victim to coerce or intimidate the child. They might tell the child that the activity is normal or that they enjoyed it. An abuser may make threats if the child refuses to participate or plans to tell another adult. Child sexual abuse is not only a physical violation; it is a violation of trust and/or authority.

### **(C) What does ‘sexual intercourse’ mean?**

Sexual intercourse is where:

- A person puts their penis, fingers, hand, tongue or an object into your vagina or anus; or
- A person puts their penis or vagina or anus on your mouth; or
- You put your vagina, anus or mouth on someone else’s penis, vagina or

The law says that sexual intercourse involves some type of penetration by genitals or body parts

into the mouth or genitals of another person. If an object is used to penetrate the vagina or anus it is also sexual intercourse.

If you are unsure about what has happened, it's a good idea to talk to a sexual assault counselor.

Is it only called 'sexual assault' when someone has sexual intercourse with me when I don't want to?

No, sexual assault can also include:

- Getting or giving oral sex when you do not want to;
- Being forced to put objects into your own vagina or anus;
- Being forced to do these things to another person, animal or object;
- Penetration or something being inserted into your body or the other person's body;
- Being forced to have sex or perform sex acts on another person who might also be a victim;
- Being made to perform sex acts on an animal or object or weapon of some

If a person attempts to do any of these things to you they can be charged with an offence.

Tricking or convincing a vulnerable person, such as a child or someone with a disability to do any of these things is also sexual assault.

### **III. HEALING FROM SEXUAL ABUSE**

Survivors of sexual violence may experience physical injuries due to the assault, as well as anxiety, depression, and post-traumatic stress disorder. This can harm one's health, career, and relationships.

Therapy can often effectively address the trauma of sexual abuse. Survivors learn how to identify and understand their emotions, process their memories, develop coping skills, apply stress-management strategies, and restore their confidence.

To find a therapist with experience treating sexual abuse or trauma, visit the Psychology Today Therapy Directory.

What are the warning signs?

Child sexual abuse isn't always easy to spot and some survivors may not exhibit obvious warning signs. The perpetrator could be someone you've known a long time or trust, which may make it even harder to notice. Consider some of the following common warning signs:

**Physical signs:**

- Bleeding, bruises, or swelling in genital area
- Bloody, torn, or stained underclothes
- Difficulty walking or sitting
- Frequent urinary or yeast infections
- Pain, itching, or burning in genital area

**Behavioral signs:**

- Changes in hygiene, such as refusing to bathe or bathing excessively
- Develops phobias
- Exhibits signs of depression or post-traumatic stress disorder
- Expresses suicidal thoughts, especially in adolescents
- Has trouble in school, such as absences or drops in grades
- Inappropriate sexual knowledge or behaviors
- Nightmares or bed-wetting
- Overly protective and concerned for siblings, or assumes a caretaker role
- Returns to regressive behaviors, such as thumb sucking
- Runs away from home or school
- Self-harms
- Shrinks away or seems threatened by physical contact

**IV. CONCLUSION**

Sexual Abuse is the major problem which increases day by day in India, The abuse can lead to shock, fear, sadness, and in some cases, an anxiety or depressive disorder. There are few offenses more painful to contemplate than child sexual abuse. Parents or loved ones may hesitate to raise such a concern with their child. Child sexual abuse is a form of child abuse that includes sexual activity with a minor. If someone does something to make you feel that you have been assaulted, you can seek help from health and counseling services, including sexual assault services. Some people blame victims or make victims feel that they somehow asked to be raped because of how they looked or dressed. Our Government takes many actions and makes rules and regulations against the sexual assault and also enacted laws and makes many

amendments in the previous laws related to this.

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