

A Comparative Study on Sexual Abuse of Children and Youth Under Bharatiya Nagarik Suraksha Sanhita with Special Reference to Chennai

E. Swetha¹ and B. S. Jayanth Adithy²

BBA LLB (Hons)^{1,2}

Saveetha School of Law, Saveetha Institute of Medical and Technical Science (SIMATS), Chennai, India

swethaedwinpaul@gmail.com and jayanth.tharun76@gmail.com

Abstract: Sexual abuse of children and youth is defines as a non accidental behaviour by parents and caregivers or any other adults that outside the norms of the conduct cause of physical or emotional harm child of this child abuse not only includes sexual Harassment . Sexual harassment doesn't need to be "sexual." It also can appear as if teasing, intimidating or offensive comments support stereotypes or bullying someone or a gaggle of individuals support their sex, identity or sexual orientation. Any use of physical force against a child that doesn't happen by accident and causes injury. Hitting, beating, shaking, punching, biting, burning, scratching, strangling or choking a child are all examples of child abuse. Any type of sexual involvement or contact between a child and an adult. Bullying, yelling, isolating, criticising, terrorising, ignoring and shaming are all types of emotional abuse. Sometimes harassment is about sex and something else, like race or ethnicity . Failing to provide a child with the things they need to grow, such as shelter, food, hygiene, supervision, medical attention, education or safety. There are many forms of child maltreatment, including neglect, physical abuse, sexual abuse, exploitation and emotional abuse. is paper will be focus much on the sexual abuse against on the minor children's .This paper also includes various sources to get through the current issues that the result will be focus mainly on primary data And the total number is of 200 responses to whom the survey question and The data's are in the form of graphical representation

Keywords: Safety, mental, physical, emotional, sex

I. INTRODUCTION

This comparative study will examine how the Bharatiya Nagarik Suraksha Sanhita (BNSS) and the Indian Criminal Procedure Code (CrPC) address the issue of sexual abuse of children and youth. The focus will be on understanding the legal provisions, procedures, and mechanisms under both frameworks, highlighting similarities and differences. Child abuse is the state of emotional and physical economic and sexual maltreatment meted out of the person below the age of eighteen is the university understand it the 2012 of posco act they enables the fast tracking and efficient prosecution in the rape of law which previously allowed by the child molesters legal by the loophole the factors that affects the child abuse is that of low esteem poor control over their emotions, A history of being abused themselves, stress, financial problems with the partner and lack of parenting skills. child abuse and neglect issues are common almost of all countries are of the global level of such physical abuse sexual abuse, emotional, and psychology abuse of increasing the problems of the street children there are also many issues that prevalent of certain religious of the world .According to the joyful heart of foundation (2016) thousand of children of a year die from the child maltreatment or neglect in u.s decrease in the child of maltreatment Cases got the first time learn of differentiate between reasanoble discipline .Physical abuse includes any noncaused by the child's parent, caretaker, other person who has responsibility for the child. It may include injuries sustained from beating, kicking, shaking, punching, choking, throwing, burning, stabbing, or otherwise harming a child. The injury is always considered abuse. Although the injury may not be an accident per se, it is also not necessarily intended by the child's caretaker. Physical abuse may result from extreme discipline, from punishment inappropriate to the child's age or condition, or from a parent's recurrent lapses in self- control brought on by

immaturity, stress, or alcohol or illicit drug use. It is important to note that non-accidental injury inflicted by someone other than a parent, guardian, relative, or other caregiver is considered a criminal act and is addressed by law enforcement and not child protective service. Emotional maltreatment includes blaming, belittling, or rejecting a child; constantly treating siblings unequally; and a persistent lack of concern by the caretaker for the child's welfare. While symptoms of emotional maltreatment are most often observed through behaviour, it is possible for children to internalise it so sufficiently as to cause developmental lags, psychosomatic symptoms, and other visible effects, such as speech disorders. Emotional abuse is almost always present when other forms of abuse are identified. Sexual abuse is defined as inappropriate adolescent or adult sexual behavior with a child. It includes fondling a child's genitals, making the child fondle an adult's genitals, intercourse, incest, rape, sodomy, exhibitionism, sexual exploitation, or exposure to pornography. Sexual abuse may be committed by a person under age 18 when that person is either significantly older than the victim or is in a position of power or control over the child. Sexual abuse may take place within the family, by a parent's boyfriend or girlfriend, or at the hands of adult caretakers outside the family for example, a family friend or babysitter. Contrary to the myth that most abuse is committed by strangers, the adults who sexually abuse children most often know and have a relationship with the child.

OBJECTIVES

- Are you aware of the POCSO act
- To find out what should a parent do if sexual abuse is suspected.
- To analyse whether do you agree that the childrens and youths of India are facing sexual abuse in schools and work places .
- To find out that childrens and youths of India are facing sexual abuse in schools and workplaces.

II. LITERATURE REVIEW

The nineteen percent of world's children live in India. According to the 2001 census, some 440 million population, four out of every ten persons. (Anderson K.M-2000) The child abuse has serious physical and psychological consequences of adversely affecting the health overall of the well-being of the child (Baradha.G-2006). According to WHO, the child abuse or maltreatment constitutes all forms of physical, emotional, and ill treatment of sexual abuse, neglect, or neglectful treatment (Briere.j-2008). Commercial exploitation resulting in actual potential harm to the child's health, survival, development of dignity in the context (Cicchetti.D-2006). The relationship of responsibility of child abuse is violation of basic human rights of child abuse, outcome of a set (Cohen J.A-2008). Inter-related familial, social, psychological, and economic factors. Problems of child abuse, human right violation is one of the most critical matters (Crenshaw D.A-2007). The international human rights agenda of India in the context of acceptance of child right as primary inviolable rights (David.G-2009). The national study on the child abuse is undertaken by the ministry of the women child for development and government of India (Debs-2002). Physical abuse inflicting physical injury upon child; this may include hitting, punching, shaking, kicking, beating, or otherwise harming child (Senp-2005). The parent or caretaker may or not have intended to hurt the child; it may however be the results of over discipline or physical punishment (Walsh .k-2012). Sexual abuse is an inappropriate sexual behaviour with the child; it includes fondling child's genitals, making child fondle the adult's genitals (Gold finch .M-2009). Inter-course of incest, rape, or sodomy, exhibitionism, or sexual exploration considered child abuse; these acts have been committed by a person (ogle C.M - 2010). Responsible for care or related to the child; for a stranger, committing these acts of sexual assault has an effect on the child; he/she has suffered a lot (Good year Brown-2011). Emotional abuse is also known as verbal abuse, mental abuse, psychological maltreatment that includes acts of failures to the act by the parents (Kacker.L-2008). Caretakers that have on the causes of serious behaviour, cognitive, emotional, mental trauma that includes parents (Kaminer.D-2006). Such as conflict, closet, dark room, or being tied to a chair for long period of time, threatening (Klempner .M-2000). The children to a supreme national assets; pledged measures to secure the safe future to all their needs (Lankrte.c-2008). Declaring that could be done by making the wise use of available of the national resources unfortunately for the successive (McPherson-2012). Child budgeting are carried out but the ministry of the women child development of

revealed of total expenses (Miller.B.J-2007) The one hand girls are being killed before they are born on the other hand children they born to survive in the life.(Sebastian-2007).

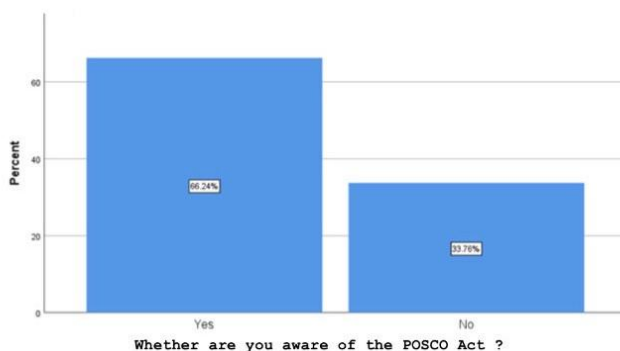
III. METHODOLOGY

The research method followed here is empirical research. A total of 200 samples have been taken from the public place where the people are more in their population out of which is taken through convenient sampling. The sample framework taken by the researcher is from the public area, Saveetha engineering college, Thandalam. The independent variables taken here is of age, gender, occupation and education qualification. The dependent variables are The statistical tool used by the researcher is graphical represent is graphical representation

IV. ANALYSIS

Figure 1

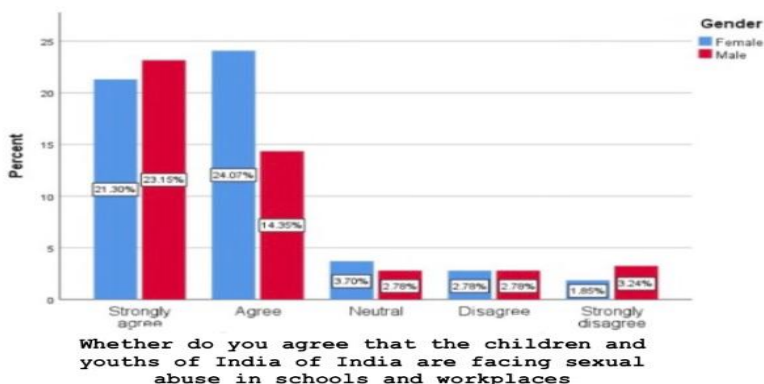
Figure 1



Legend

Figure 1 Represents the barchart with dependent variable whether are you aware of the pocso act .Most of the respondents have told yes because they are aware of the happenings in the society

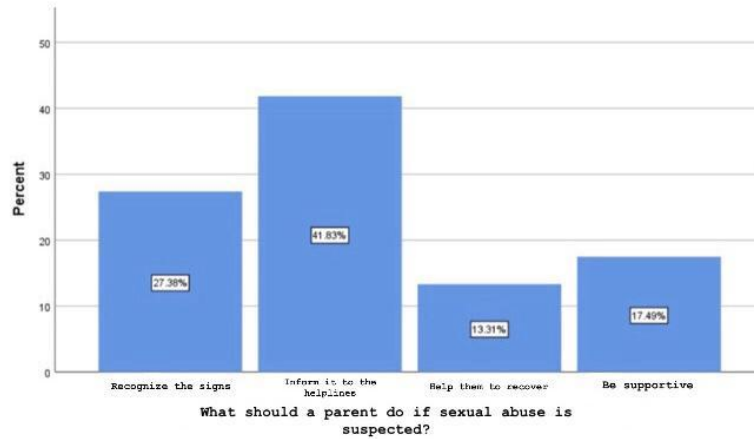
Figure 2



Legend

Figure 2 Represents the barchart with dependent variable whether do you agree that the children and youths of india are facing sexual abuse in schools and work place.

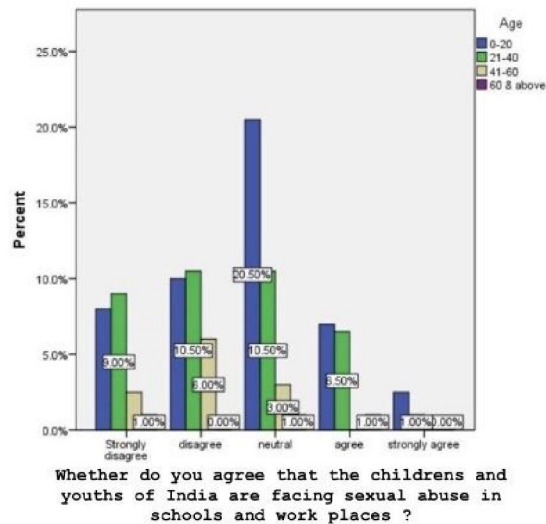
Figure 3



Legend

Figure 3 Represents the barchart with dependent variable what should parent do if sexual abuse is suspected.

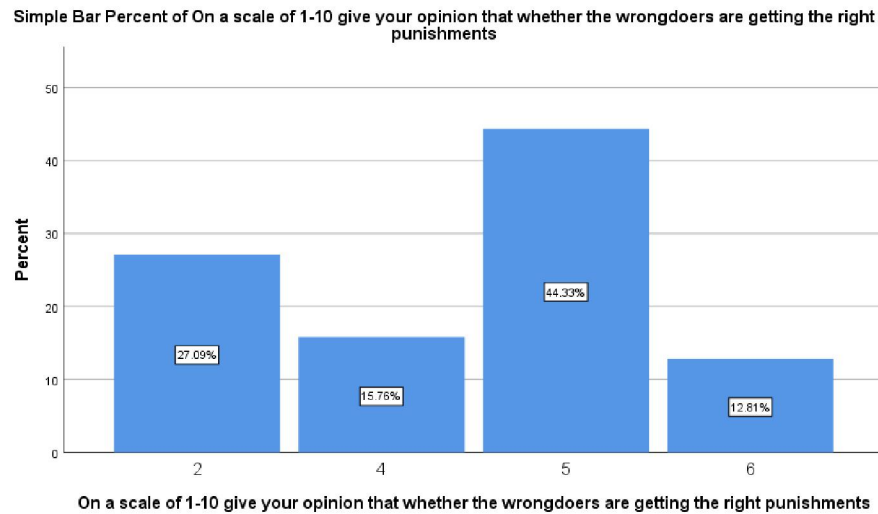
Figure 4



Legend

Figure 4 Represents the barchart gender with dependent variable whether do you agree that the children and youths of india are facing sexual abuse in schools and work place.

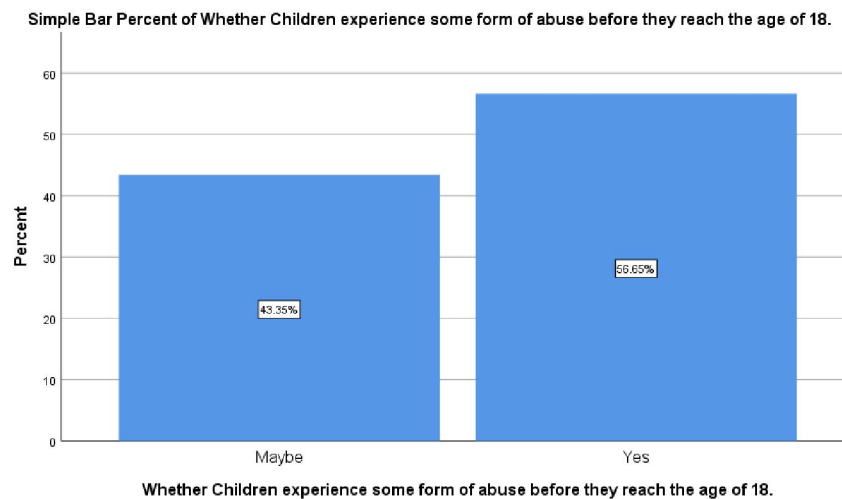
Figure 5



Legend

Figure 5 represent barchart with dependent variables that whether the wrongdoers are getting the right punishments

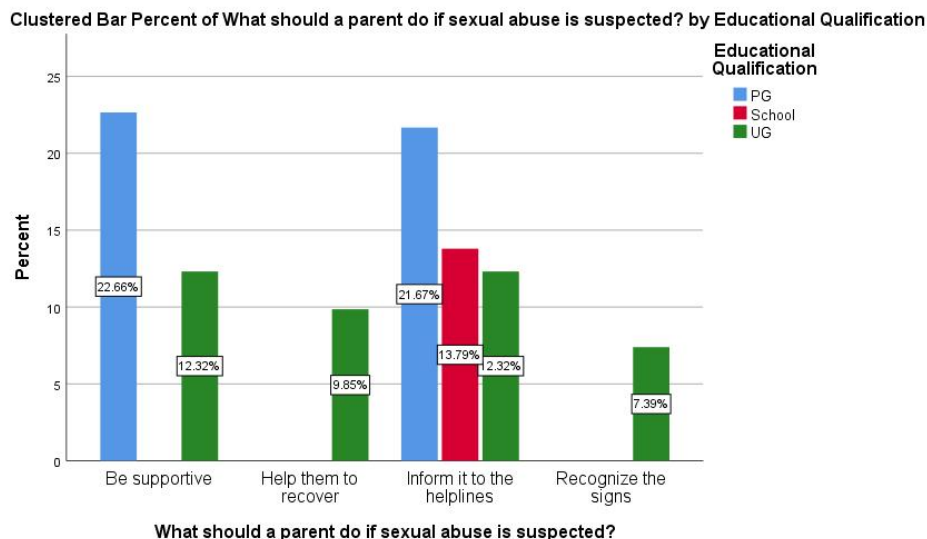
Figure 6



Legend:

Figure 6 represents the barchart with dependent variables that determine whether children experience some form of abuse before they reach the age of 18.

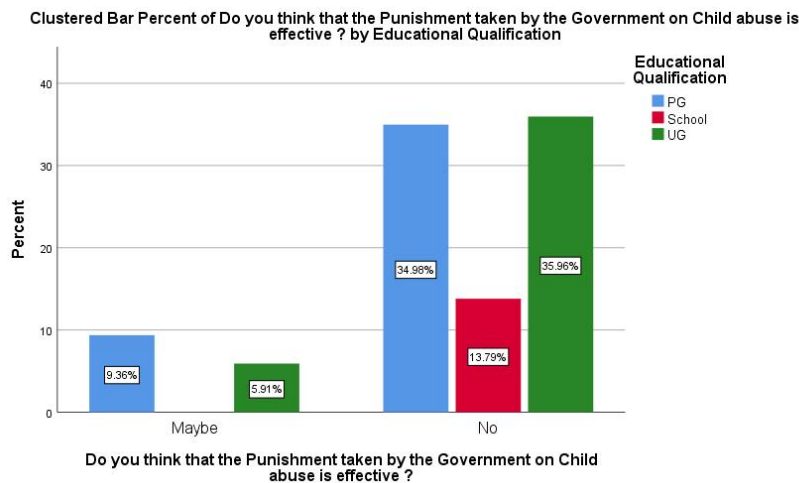
Figure 7



Legend:

Figure 7 represents the educational qualifications and their answers on what should a parent do if sexual abuse is suspected.

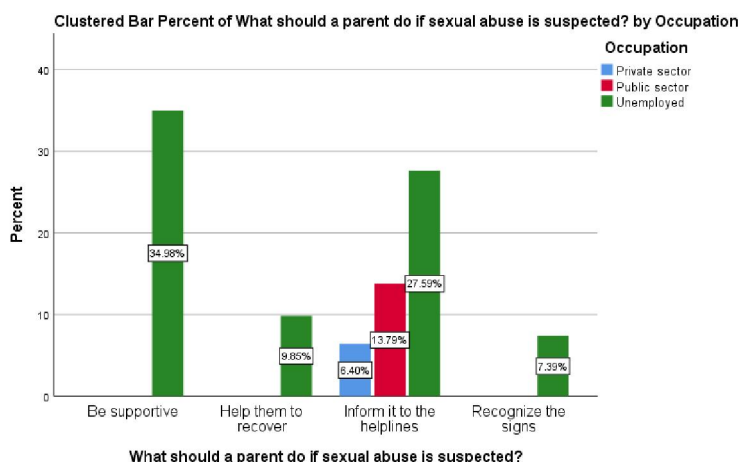
Figure 8



Legend:

Figure 8 represents the educational qualifications and their answer do you think that the Punishment taken by the Government on child abuse is effective.

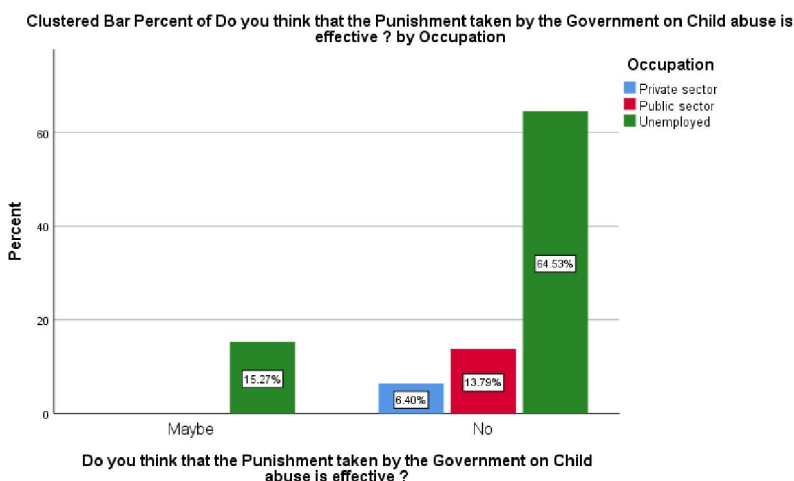
Figure 9



Legend:

Figure 9 represents the occupation and their answer what should a Parent do if sexual abuse is Suspected.

Figure 10



Legend:

Figure 10 represents the occupation and their answer do you think that the Punishment by the Government on child abuse is effective

V. RESULT

Figure 1 Represents the barchart with dependent variable whether you are aware of the pocso act .Most of the respondents have said yes because they are aware of the happenings in the society in that people have said yes for 66%.**Figure 2** Represents the barchart with dependent variable whether do you agree that the children and youths of india are facing sexual abuse in schools and work place in that female have answered most for agree with 24%**Figure 3** Represents the barchart with dependent variable what should parent do if sexual abuse is suspected in that people have answered most for inform to helpline with 41%.**Figure 4** Represents the barchart gender with dependent variable

whether do you agree that the children and youths of india are facing sexual abuse in schools and work place in that age group of 0to 20 have answered most for netural with 20%.On investigating **figure 5 and 6**, most of the respondents were under graduates. Next to undergraduate, higher secondary schools are comparatively higher in number. The opinion of PhD and illiterates is comparatively low. On close examination of **figure 7 and 8**, most of the respondents were from the student category. The research portrays the majority of the opinion of the student community. Next to the student community lies the government or public sector employees. The opinion of the unemployed and other occupations are comparatively less. **Figure 9** exhibits the frequency of marital status of the respondents. Nearly 50% of the respondents were unmarried. So the research portrays the majority of the opinion of the unmarried people. On examining **figure 10** most of the respondents' opinions lie between maybe and no that women are treated properly in the prison. It is clear that the respondents are very sure that women are not treated properly in prison since none of the respondents have said yes.

VI. DISCUSSION

Figure 1 Represents the barchart with dependent variables whether you are aware of the pocso act .Most of the respondents have said yes because they are aware of the happenings in the society in that people have said yes for 66% because they were aware of it. **Figure 2** Represents the barchart with dependent variable whether do you agree that the children and youths of india are facing sexual abuse in schools and work place in that female have answered most for agree with 24% because they were aware of it.**Figure 3** Represents the barchart with dependent variable what should parent do if sexual abuse is suspected in that people have answered most for inform to helpline with 41% because they were known about it. **Figure 4** Represents the barchart gender with dependent variable whether do you agree that the children and youths of india are facing sexual abuse in schools and work place in that age group of 0to 20 have answered most for netural with 20% because they are accepting both. **Figure 5** Represents the barchart age with dependent variable whether do you agree that the children and youths of india are facing sexual abuse in schools and work place in that female we're answered most for agree with 24% because they are aware of it.On investigating **figure 6**, most of the respondents were under graduates. Next to undergraduate, higher secondary schools are comparatively higher in number. The opinion of PhD and illiterates is comparatively low. On close examination of **figure 7 and 8**, most of the respondents were from the student category. The research portrays the majority of the opinion of the student community. Next to the student community lies the government or public sector employees. The opinion of the unemployed and other occupations are comparatively less. **Figure 9** exhibits the frequency of marital status of the respondents. Nearly 50% of the respondents were unmarried. So the research portrays the majority of the opinion of the unmarried people. On examining **figure 10** most of the respondents' opinions lie between maybe and no that women are treated properly in the prison. It is clear that the respondents are very sure that women are not treated properly in prison since none of the respondents have said yes.

VII. SUGGESTION

- Additional research and training is needed to determine effective approaches for nurses to prevent child abuse or neglect
- Preventing child sexual abuse starts with your family and community.
- Everyday ways to prevent child sexual abuse include basic safety precautions and information-sharing with other parents.
- Local services and community organisations should have child safety policies and practices.
- You could volunteer to work with local organisations on protecting children.

VIII. CONCLUSION

The preventing of child abuse is not simply a matter parents doing the better job rather about creating the context of doing the better easier enlightened public policy and republication of high quality policy supported are only a part of what is needed reducing acts of child abuse neglect. Child abuse and neglect have a long-lasting impact on the child, their family and the following generations. In order to protect children from this situation, it is necessary to develop preventive programs and to develop and enforce legal ramifications. While child abuse and neglect is a significant

public health problem, it is also a preventable one. In order to protect children from this situation, it is necessary to develop preventive programs, to raise awareness of their families-teachers-community and to make legal arrangements. Child victim of sexual abuse shall be medically examined in the presence of a parent or any person in whom the child has trust and confidence, by a women doctor, if victim is a girl and such examination shall be conducted as under s. 164A of CrPC, 1973. Child trafficking, This has been changed in the BNS under Section 96 where if any child, irrespective of their gender, is procured for the purpose of illicit intercourse, the court can punish the perpetrator with ten years and a fine. Both BNSS and CrPC provide comprehensive definitions and categorizations of sexual abuse against children and youth. However, BNSS often includes more specific provisions tailored to contemporary issues, ensuring better coverage of various forms of abuse. The procedural mechanisms under BNSS are designed to be more streamlined and victim-friendly. BNSS introduces simplified reporting mechanisms and quicker investigation processes, reducing the burden on victims and ensuring timely justice. The CrPC, while robust, can be more cumbersome and slow, often leading to delays in justice delivery. Enhancing procedural efficiency in the CrPC is crucial for better handling of sexual abuse cases. Both BNSS and CrPC prescribe stringent penalties for perpetrators of sexual abuse, reflecting the gravity of such offenses. However, BNSS sometimes includes more progressive and stringent penalties that could serve as a stronger deterrent. Aligning penalties and ensuring consistency across both frameworks can improve the overall deterrence effect and uphold justice more effectively. Continuous training for law enforcement and judicial officers on the provisions of BNSS and CrPC, along with public awareness campaigns, can improve the implementation and effectiveness of these laws.

REFERENCES

- [1]. Anderson K.M Stollak, G., Messe, L. & Aronoff, J. Recall of childhood neglect, and physical abuse as differential predictors of current psychological functioning. *Child Abuse & Neglect* (2000) ;20(7):549-59.
- [2]. Baradha.G ,Lynch MA, Roberts J. (2006) Child abuse, and general practice. *Brit Med J* 1976;2:800-2.
- [3]. Briere.j (2008) , Manly JT, and Cicchetti D. Defining child maltreatment: The interface between policy, and research. In and Toth SL. (eds.), 1993. *Child Abuse, Child Development, and Social Policy*. Norwood, NJ: Ablex.
- [4]. Schmitt BD, Child Abuse and Neglect: Types, Epidemiology, and characteristics. In: Sanger RG, Bross DC; editors. *Clinical Management of child abuse and neglect, A Guide for dental professional*. Quintessence publishing Co; inc 1984. Chicago: 1984. p. 19-24.
- [5]. Macleod MR, O.,Collins T, Howells DW, Donnan GA. Pooling of animal experimental data reveals influence of study design, and publication bias. *Stroke* 2004;35:1203-8.
- [6]. Fontana VJ. The abused child. The maltreatment syndrome in children. Ed. 2, Springfield III. 1971, Charles C Thomas, Publishers.
- [7]. Wooley, P, and Evans WA. significance of skeletal lesions in infants resembling those of traumatic origin. *J Am Med Assoc* 1955;158:539.
- [8]. Kempe CH, Silverman FN, Brandt F, et al. The battered child syndrome. *J Am Med Assoc*. 1962;181:17.
- [9]. Winship WS. The nature, and extent of child abuse among European children seen at Addigton Hospital, Durban, between January 1980 and February 1984. In: Graser RR, and Winship WS; editors. *Report of National Conferences of Child Abuse*. World Health Organization: Protocol for the Study of Interpersonal Physical Abuse of Children, Geneva: World Health Organization:1984. p. 8-13.
- [10]. Shearman. JK. Early Detection of Child Abuse. *Can Fam Physician* 1987;33:107-9.
- [11]. Lynch MA, Roberts J. Predicting child abuse: Signs of bonding failure in the maternity hospital. *British Medical Journal* 1977;1:624-6.
- [12]. English DJ, Upadhyaya MP, Litrownik AJ, Marshall JM, Runyan DK, Graham JC, and Dubowitz H. Maltreatment's wake: The relationship of maltreatment dimensions to child outcomes. *Child Abuse and Neglect* 2005;29:597-619.

- [13]. Fraser, MW, & Terzian MA. Risk, and resilience in child development: Principles and Strategies of REVIEW ARTICLE Dahake et. Al.: Child Abuse MIDSJ Journal of Dental Research | Vol. 1 Issue 1 | Jan – June 2018 48 Practice. In Mallon GP & Hess PM; editors. Child Welfare for the 21st Century: A Handbook of Practices, Policies, and Programs. New York, NY: Columbia University Press:2005. p. 55-71.
- [14]. Ney P, Fung T, and Wickett A. The worst combination of child abuse and neglect. Child Abuse and Neglect 1994;18(9):705-14.
- [15]. Davis GR, Domoto PK, Levy RL. Dentist's role in child abuse and neglect – Issues, Identification and Management. J Dent child 1979;46:185-92.
- [16]. Guthkelch AN. Infantile subdural hematoma, and its relationship to whiplash injuries. Br. Med J. 1971;2(759):430-1.
- [17]. Weniger G, Lange C, Sachsse U, Irle E. Amygdala, and hippocampal volumes and cognition in adult survivors of childhood abuse with dissociative disorders. Acta Psychiatrica Scandinavica 2008;118:281–90.
- [18]. Felitti VJ, Anda RF, Nordenberg D, Williamson DF, Spitz AM, Edwards V, et al. Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults. The Adverse Childhood Experiences (ACE) Study. Am J Prev Med 1998;14:245–58.
- [19]. Walrath, CM, Ybarra ML, Sheehan AK, Holden EW, Burns BJ. Impact of maltreatment on children served in community mental health programs. J Emot Behav Disord 2003;14:73-81.
- [20]. Sebastian Wounds that time won't heal: The neurobiology of child abuse. Cerebrum: The Dana Forum on brain science 2007;2(4):50-67.