

## CHAPTER V

### REVIEW OF LITERATURE

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Any research cannot attain its Zenith in the absence of the survey of the existing literature on the topic under study. The study of the existing literature guides the researcher towards the future direction about the research process. It throws light on the grey area of the research topic. The researcher has therefore tried to make a review of the existing literature on the topic which includes the books, articles, reports, and journals.

#### **5.1 Identified Research Gap**

The examination of literature broadly portrays that response of the law enforcement agencies in collection of evidence during the investigation of child conflict cases in southern Rajasthan is not well documented. No study is found in public domain addressing impact analysis on fair investigation and speedy trial. The study of literature on sexual abuse of children further pointed out that various issues like a social response, age determination, consent for carnal relationship etc. are yet to be addressed from the viewpoint of epistemology. More importantly, there is a void in the public arena for studies on the analysis of courts judgments related to child particularly to understand various facets of the POCSO Act, 2012 from the standpoint of the judiciary. No study is available in the public sphere on the implementation of various provisions of the POCSO Act, 2012. Deliberations on false accusation and wrongful conviction are not being studied to correct unjust

convictions.

Inputs on socio-economic profiling of victims and accused persons, providing legal-aid to pauper accused, rural urban dichotomy occurrence, age profiling of victims and accused and their relationship, timeframe in reporting, nature of evidence collection including forensic inputs, timeline to conclude trial and appeals, the award of compensation to victim etc. are uncharted areas, which have been chosen as research problem.

This study broadly analyses the research problem based on the gaps and missing links identified during an examination of literature pertaining to justice delivery in the matters of sexual exploitation of minors in southern Rajasthan. Academic efforts will be made to find pragmatic answers using a theoretical framework. There are several other critical issues such as law and policies, the POCSO Act involved in dealing with the sexual exploitation of children, which have to be addressed

Also, it presents a comprehensive summary of prior studies conducted on the topics of knowledge exchange and intranets. This text outlines the framework for the case study, which is the primary focus of the research. A literature review is an essential component of any study. It aids the researcher in obtaining a thorough understanding of previous research conducted on a particular topic. It focuses on a certain topic and aids in discovering the gap in research. In addition, it also assists the researcher because the topic and subject of study are conceptualized and given a definite form. Within the given context, the current study involves a comprehensive examination of books, research papers, government reports, and other materials with a theme focus. Documents and media stories have been grouped based on the chronological year.

## **5.2 Printed Publications**

While examining all pertinent materials about the topic of child sexual abuse would be very challenging, an effort has been made to gather valuable data on the topic. Due to a lack of readily available statistics on child sexual abuse in India and the little information obtained from local sources, one's knowledge and understanding of the subject topic are severely lacking. The researcher has conducted a review of existing research on this specific issue, which is necessary to recognize the extensive prevalence of

sexual abuse in Rajasthan, India. The causes and repercussions of child sexual abuse, as well as the intervention options available to address it.

### **5.3 Preventive measures:**

Asha Bajpai (2019) of the National Crime Records Bureau (NCRB) released a book report in 2017. A total of 32,608 incidents were registered under the Protection of Children from Sexual Offences Act. Nevertheless, specialists argue that this is only the surface manifestation of a much larger issue. Although there is still a substantial amount of apprehension and alarm around child sexual abuse, there is a prevailing atmosphere of secrecy and reluctance to discuss the issue. Complicates the process of reporting. Parents, guardians, and instructors are eager to participate in endeavours to proactively combat CSA by educating youngsters about sexuality, their anatomy, and personal boundaries. In India, sexual and reproductive problems are approached only from a moral perspective from a health rights stand point rather than from a viewpoint of health rights. These attitudes expose youngsters to danger. Given the cultural taboo around sex, abusers specifically target youngsters whose parents they will refrain from taking any measures even if they discover the truth. There is a 90 percent probability of the abuser. The kid and the family may be aware of the individual's identity, but the family may not recognise the indicators of potential danger. Child sexual abuse is always the responsibility of adults, and children are never to blame for it. Preventing such abuse is crucial. The impetus for this book stems from the consequences of the savage the incident refers to the heinous act of gang rape and subsequent murder of Nirbhaya, which occurred on a bus in Delhi on December 16, 2012. Nevertheless, among Indian activists dedicated to addressing violence against women and girls, there has been a longstanding contention that violence is an undeniable aspect of every woman's life, regardless of their age. Socio-economic stratification and disparities in wealth. Global efforts to tackle it have somewhat reduced its impact but have not completely eradicated it. Did not successfully alter attitudes and actions to the necessary degree. Neo-liberalism has gone. Women are now experiencing heightened vulnerability, and those who advocate for them have not presented any effective solutions.

India serves as a clear cautionary example for nations now under pressure to transition towards the neoliberal economic model.

#### **5.4 Mode of Existence:**

Exercise caution about its potential outcomes and be prepared to address any aggression it may entail. The capacity of nations to address violence against women is hindered by the apparatuses of the system are fashioned by patriarchal underpinnings. (Deb, S. and A, Mukherjee). The effect on the victim is more severe, particularly in terms of harm to their reputation. Upon seeing the sexually explicit content if explicit or offensive information specifically aimed at the women in question becomes widely spread on the internet, it has the potential to become viral. Move between websites and devices without being limited by physical constraints. Jurisdiction refers to the legal authority or power of a court or other governmental body to hear and decide a case. The police may encounter significant challenges in providing assistance to the victim, particularly when it traverses across jurisdictions and remains accessible on various websites. Additionally, it could repeated exposure to the circumstance might cause severe trauma for the sufferer. Content reemerges after a certain interval. It is important to recognize that the law cannot repress. While having a healthy sexual appetite is important, it is crucial to recognize that harmful behaviours may indeed limit or impede sexual urges and manifestations. The rights of others. However, the truth is that websites related to sexual content, such as YouTube or WhatsApp, are overwhelmed with explicit content, revenge pornography, child pornography, and instances of real-life sexual assault.

#### **5.5 Recordings:**

The first instance of adolescent retribution in the realm of cyberspace was first documented in India. In 2001, a 16-year-old student from Delhi developed a pornographic website and uploaded explicit photographs of females. He made explicit and offensive comments about his peers and professors, publicly sharing explicit information about them.

#### **5.6 Sexual Orientation:**

Sexual abuse in India is a prevalent issue, with gender prejudice being a significant factor. Adolescent females aged 11-18 are predominantly affected,

often unable to seek help from their families. Lack of literacy among parents contributes to a rise in girls dropping out of school. Adolescent females are often enticed by material possessions and deceitful promises, making them vulnerable targets for exploitation and mistreatment. The research highlights the poverty and inability of families to meet the needs of their female offspring, making them victims of sexual abuse.

Perpetrators of violence against female minors include paternal, fraternal, and ancestral figures, as well as immediate family members and regular guests. The research indicates a lack of disclosure due to the victim and her family, leading to complications such as challenges in following the victim's marriage, social ostracization, and stigmatization.

Further research is required to determine the nature, scope, and frequency of child sexual abuse incidents, which is crucial in developing effective methods to address the issue. Also, raising public awareness about the occurrence of female child sex abuse is essential to addressing the issue of human trafficking involving women and children. The study examines data obtained from interviews to obtain insights into the characteristics of the victims, the process of trafficking, and the characteristics of the perpetrators. The primary determinants contributing to trafficking include forces, enticement, and deception.

Sexual assault is categorized into two distinct classifications: severe forms of sexual abuse, such as rape, sodomy, and non-consensual kissing, and milder forms like approaching a youngster while traveling and making sexual gestures towards a child during marriage. Society is undergoing a transformation in its views about morality and sexuality, with the main areas of concern being the exploitation of children and women, their social ramifications, and the economic effect.

- **Societal issues** - poverty, unemployment, illiteracy, reduced social standing, fragmented families etc. Father with a strong dependency.
- **Economic reason** - Economic hardship, meagre income, indebtedness, agricultural sector.
- **Psychological factors** - Diminished self-esteem, insufficient self-regulation, Psychological stress, Tension.

- **Contributory factors** - Affection, Insensitivity to political matters, inadequate preventive measures, inadequate implementation of legislation and failure to enforce the law.

### **5.7 Perpetrator of abuse**

The parents advised their children to disregard the occurrence. “Belief and confidence in law enforcement have decreased, and the majority of female attendees expressed a need for educational programs focused on raising awareness about sexual assault.”(Sibnath Deb, 2006). Child abuse and neglect are pervasive global issues that are prevalent in societies worldwide. The cycle of violence that affects several people is a significant problem for society. The topics addressed in this source book, *Children in Agony*, include familial violence and its consequences. The effects on children, instances of child abuse and neglect, incidents of child trafficking and prostitution, and issues related to juvenile delinquency.

As per the National Criminal Victimization Survey conducted by the Department of Justice, According to a 1999 survey, an individual older than 12 experiences a sexual assault every 90 seconds. Rape is a heinous act of sexual violence. The National Violence against Kids Act identifies kids as the primary victims of this crime. Women’s report. Of the women who reported being raped, 21.6% were under the age of 12. 32.4% of the individuals were between the age ranges of 2 and 17, while 29% fell within the age range of 8 and 24. Additionally, 16.6% of the individuals were beyond the age of 25. Approximately 60% of rape and sexual assault cases, as reported by the United States Department of Justice, Instances of attack often take place inside the victim’s home or the domicile of an acquaintance, family member, or associate.

Family violence stems from a multitude of factors that vary across different societies. It varies from one culture to another. Family violence is more widespread in both lower and higher socioeconomic groups. Socioeconomic strata. Family violence arises from factors such as limited education, alcohol addiction, and socioeconomic disadvantage. Economic circumstances, substandard housing, and some family dynamics among the lowest socioeconomic class—the aforementioned factors contributing to this issue include insufficient education, alcohol addiction, unfavourable financial

circumstances, and inadequate housing. Certain family circumstances among the higher echelons of society. The primary factors contributing to this issue are disrupted social life, alcohol use, stress, everyday social pressures, and conflicts of ego. Scientists have conducted several investigations on this topic. In India, instances of sexual assault and harassment sometimes go unreported due to carelessness. Subjective experience of being subjected to unwanted and distressing behaviour in the law enforcement agency and judicial system, as well as the danger posed by the criminals.

Furthermore, the apprehension of social interaction discrimination and boycotts can impede the victim from reporting the matter to the police. If Child sexual abuse, including rape, is mostly perpetrated by close family members. The responsibility is inside the family, and it is a common occurrence. An instance of a stranger sexually assaulting a youngster is a rare occurrence. Sexual assault. Research findings indicate that children who have experienced sexual abuse also have increased susceptibility.

There is a risk of experiencing victimization again later in life. In his 2005 book, Paul explores the issue of child trafficking. The objective of commercial sexual exploitation is to profit from the sexual exploitation of individuals. This involves the systematic organization and operation of a framework that facilitates and enables such exploitation and it occurs. Child sexual abuse is defined as any kind of verbal or physical conduct. One individual's behaviour towards another person is distressing, belittling, injurious, and/or damaging. According to specialists, it is estimated that up to 60% of females in Sexual abuse is prevalent in our nation. Surprisingly, 75% of the reported incidents include sexual crimes in India, which opposes the mistreatment of underage individuals. One of the primary variables exacerbating child sexual abuse is the chance to have exclusive time with the youngster. The second factor is the child's accessibility. The third one is the nature of the connection between the kid and the criminal. If the perpetrator is a family member or resides in the same household, there is an increased likelihood of enduring and covert mistreatment. The fourth rationale is that kids may experience a loss of emotional stability as a result of their parents engaging in an extramarital relationship. Resistance within oneself to atypical movements. The sixth factor is the prevalence of substance abuse,

particularly alcohol and drug use. Parental consumption occurs in instances when children lack a role model to emulate. Finally, above everything, the presence of large numbers of people in a confined space and the act of leaving children unattended both contribute to instances of child sexual abuse occurring in public areas. The perpetrators acquire.

Deriving pleasure and a feeling of dominance from mistreatment. “Certain individuals who commit crimes have traits of psychopathy and substance abuse. Individuals who overuse alcohol. (Sagade, Jaya, 2005.) “Violence perpetrated against women is it hinders the attainment of the goals of equality, progress, and peace.

Overall, in communities, women and girls experience varying degrees of physical, sexual, and psychological assault that transcends boundaries of wealth, class, and culture. The diminished societal and economic standing of women may serve as both a catalyst and an outcome of violence against women. The problem of the exploitation and abuse of young girls in India is a matter of significant socio-legal concern. Given the importance and alarming pace at which cases of abuse against female children were growing, the National Commission for Women, in collaboration with the Society for Environmental Development, hosted a three-day workshop in Jodhpur, Rajasthan, focused on the welfare and empowerment of girls. There are instances of misconduct in Rajasthan and the involvement of social organizations. There were 52 participants present during the program. Attendees come from 18 districts in Rajasthan. There were a total of four technical sessions and two. Convening working groups to deliberate and conclude recommendations about the matter.

## **5.8 The primary**

### **5.8.1 The suggestions were as follows:**

Further research and investigations on a regional scale are required to assess the extent and severity of the issues, causal causes, implemented measures, obstacles, and further concerns. Concerning the issue of abuse, specifically targeting young girls, Task forces will be established at the district level, consisting of NGOs, advocates, and police personnel. The media, including both print and electronic platforms, should be persuaded to allocate a small portion of their resources. Allocate regular intervals of space and



time to educate and enlighten the general public on offenses committed against females. Jaya Sagade's work was published in 2005 states that a collaborative forum where collective efforts may be made to address issues and support sufferers. Effortlessly pursue justice and rehabilitation. Parents violate the fundamental rights of young girls to life and liberty. They coerce individuals into early marriages or withhold reproductive education from them. Well-being. Adolescent pregnancy is recognized as a primary factor contributing to elevated rates of maternal mortality. Death rates in underdeveloped nations. The overwhelming majority of maternal fatalities, amounting to 99%, take place in underdeveloped nations. In the text, the most glaring violation of human rights via avoidable deaths is the infringement upon the right to life, particularly among young girls. Defined as the fundamental entitlement to continue existing. Achyut, in the year 2016 mentioned that in addition to the inequitable outcome that arises from biological distinctions, child marriage has several repercussions for young girls. They lack the ability to explore paths that contribute to comprehensive personality development. Generally Girls' schooling and other social activities cease at marriage. This book highlights, in Chapter 11, the concept of absolute. The prevalence of rape in the state is mostly concentrated among underage females. Not only are adolescents the primary targets of this criminal activity, but it also affects girls as young as 10 years old. Offspring. Female individuals who are below the age of 16 and have been victims of such crimes (up to 2015). Research indicates that women from disadvantaged socioeconomic backgrounds are at a higher risk of being subjected to victimization. Crimes such as rape, kidnapping, and abduction are more prevalent in households belonging to lower and moderate socioeconomic classes. The author elucidates in this literary work that only 35 percent of victims of various forms of sexual abuse get help from their families. Seeking redress or working towards the rehabilitation of the victim in the lodging report. The inter-district the level of help provided to the victims varies, ranging from 20 percent in the Rayagada area to 43 percent. The percentage is in Khorda and Kalahandi districts. It should be observed that family support does not result in the submission of crime reports or any related cases. This suggests that after the occurrence of a

criminal act although the family members do not exhibit hostility towards the victim, they restrict her from reporting the crime due to its perceived dishonourable nature to the family, while in 32 in developed areas, social stigma is seen as the predominant element that hinders progress. Family members refrained from providing assistance to the victimized girls and women. Therefore, in this particular situation, in the current arrangement, female victims discover a lack of guaranteed safe spaces available to them.

### **5.9 The Juvenile**

It is important to ensure that the therapist will be present, supportive, and protective in order to provide reassurance. It exists. It is equally crucial to have a preparation phase for the caregivers. To train caregivers in order to enhance their own and their children's collective encounters, it is crucial to investigate their confidentiality issues. Furthermore, it is essential that caregivers comprehend that therapists have certain expectations about the type and regularity of their involvement. Prior to entering a group, preparing children and adults may improve their adaptation and expertise in group dynamics. The authors of this study are David Finkelhor and his colleagues, and the study was published in 1986. This book provides a comprehensive collection of scientific research spanning over ten years. Conducting a study on the issue of child sexual abuse. Studying sexual abuse presents significant difficulties. Victims, offenders, and their families exhibit a lack of enthusiasm and cooperation as research participants. Due to the disgrace and social stigma linked to it. Based on the findings of this study, a total of 44,700 youngsters experienced sexual molestation throughout the period starting on May 1, 1979, resulting in a rate of 0.7 per 1,000 individuals.

The inherent characteristics of the issue, including its clandestine nature, the resultant shame, and the legal repercussions opposition to it exists, and the fact that the victims are young and dependent makes reporting of their own accord less likely. Consequently, the majority of people feel that the rise in occurrence rates is mostly as a result of heightened knowledge, awareness, and dedicated professional focus on the issue. The effectiveness of simple methods for tackling critical issues is hindered and made more

complex by ethical considerations. The researchers will only investigate the incidence rates of child sexual abuse. Into the category of female children for the purpose of this discussion. In the event that child sexual abuse took place at many locations Comparisons of rates across various age cohorts have been mostly focused on younger populations, namely college students. Furthermore, there is a lack of discernible patterns based on age throughout the research. In the midst of in community research, the prevalence of sexual abuse has not shown substantial variation based on socioeconomic status. Learning and acquiring knowledge through formal instruction and study. The majority of sexual assault cases involved children from ethnic minority backgrounds. Previous assessments have focused on victims identified in medical facilities or social service records. Increasing data suggests a rising occurrence of sexual assault among the Afro the rate of obesity among Americans is not greater than that among whites. Child sexual abuse has a higher prevalence in some countries. Some locations have more extent or magnitude than

others. Due to a prevailing notion, California is believed to possess a higher level of sexual freedom. According to Johnson (1989), a study was conducted where 2,627 people were surveyed by telephone on a nationwide scale. While the prevalence rates of sexual abuse in other areas were at 26%, the Pacific region exhibited a different figure. Sexual assault perpetrated against children and adolescents is increasingly emerging as a prominent issue within society. This is impacting a diverse range of disciplines. This book is designed to function as a manual for those who've exposed individuals to either the victim or the offender. For the intents and objectives of this in the context of literature, the term 'sexual assault' denotes non-consensual sexual acts that are imposed, manipulated, or cause distress on an individual who is younger than 17 years old.

The sexual abuse of children is a criminal act that our society strongly rejects. In theory, yet exhibits tolerance in practice. This comment is assertive and deliberately designed to provoke a reaction. On a subject that is still considered socially unacceptable in many communities. In the United States, stereotypes and generalizations are prevalent. There is a lack of

knowledge and understanding of child sexual abuse, which is hindering our overall strategy. Childhood is a crucial period in a person's life. Sexual abuse often occurs inside the family unit, with abusers often being dads, stepfathers, uncles, or the mother's partner. Acquaintances and other individuals who have convenient and unrestricted access to the youngster inside their own residence. Sexual assault perpetrated against an individual Minor offenses are considered reportable crimes in all states within the United States. If the offender is a member of the family, if an individual is a family member or guardian of the kid, or if they are accountable for the child's well-being, if negligence allowed the offender to gain entry to the victim, then the incident must be reported. To the official child protective services agency mandated by law in that particular state. Sexual abuse and engaging in the mistreatment of children are synonymous with paedophilia. One of the most fundamental observations that may be made regarding juvenile offenders, it is important to note that they exhibit individual differences and should not be generalized. Each of them has distinct functions, and none of them do identical tasks. They engage in comparable transgressions due to identical motivations. Consensual

#### **5.10 Lack of Research:**

Research has been carried out on child sexual abuse in Rajasthan and after doing a thorough examination of the existing literature, it has been discovered that there is a scarcity of study on this particular subject. In addition to a small number of works there has been a lack of scholarly research on the delicate topic of child sexual abuse (CSA). Within a span of thirty units of time in the districts of Rajasthan, there is a lack of primary data on the study issue. However, only a small number of news articles, coverage by electronic media, and occasional reports at police stations are accessible as supplementary data sources. Therefore, the researcher has embarked on a novel endeavour to investigate the nature, cause, and many aspects of the study focuses on the many forms and circumstances, as well as the resulting effects and institutional structures, of child sexual abuse in the state of Rajasthan.

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