

Home India

Child rape cases: Few convictions dog child p cases



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One of the most disturbing finds in the investigation of the recent gang rape-of a six-year-old child : the presence of child sexual abuse imagery in the laptop of one of the suspects.

Former police commissioner R Auradkar first arrested the school's skating instructor Mustafa, whos found to have been full of disturbing imagery of children being abused and raped.

The investigations revealed that Mustafa has been a repeat offender, and was fired from an earlier sc for touching young girls inappropriately despite repeated warnings.

The new police commissioner, MN Reddi, who replaced Auradkar following a public outcry, made instructors who were friends with Mustafa. While he did not declare Mustafa innocent or let him off charges against Mustafa. "We are still investigating his role to find out whether he destroyed the evidence with Indiragiri and Pasha," said Reddi.

There was no word on charging Mustafa because of the illegal content on his laptop. This brings us many Indians are looking at child porn? And, how many of them are punished?

Unlike adult porn, any porn that involves a child is illegal in India. There is no specific law in the country. But there are various sections that look at the offence.

There are sections 292 and 293 of the Indian Penal Code (IPC), that penalise the possession of obscene content to minors respectively. Then there is section 67 (B) of the Information Technology Act 2008. This section looks at creation and transmission of child sex abuse imagery, enticing children and facilitating. The punishment awarded for these non-bailable offences is five years, and seven years for repeat offenders. The Sexual Offence Act (2012), also penalises child porn, punishable with up to 3 years in prison.

Despite the legislative framework, the conviction rate is dismal. Of the data that is available, the numbers for 2007, 2008 and 2009 were 99, 105 and 139. In these cases, there were 86, 90 and 141 arrests, respectively.

Cyber law expert Karnika Seth says that of all the cyber crime cases, parents seem most reluctant to report. "There have been many cases of cyber stalking, cyber bullying among children. But, sociological factors usually play a role in these crimes," says Seth.

Some of the difficulties that Seth faces in these cases is the lack of ISP-reporting. "The biggest hurdle is reporting to ISPs. To add to that, India does not have clear standards of due diligence, internet service providers. While most do not have records, others do not proactively monitor the records."

According to a 2007 study of child abuse by the ministry of women and child development with CRIP respondents admitted to being exposed to pornographic pictures while, 16.97% admitted to being forced into sexual acts by abusers.

Vidya Reddy of TULIR: Centre for the prevention and healing of child sexual abuse, says that people are often unaware of child pornography viewed by children. She therefore prefers to choose the term 'child sexual abuse image'. "Every click is a form of abuse on the child. The intersection of technology and sexual violence has changed the way we behave," says Reddy. She said that in the cases that she has dealt with, almost all of them were reported on a mobile phone.

Due to the lack of knowledge, most people go to the judicial rape section, instead of reporting the crime. "People barely know of the POCSO Act, or section 67 (B) of the IT Act. Our laws are comprehensive but not enforced. That depict children in sexual acts," says Reddy.