

# Sexual Abuse of Children by Acquaintances: A Result of Poor Impulse Control or Biased Socio-cultural Laws?

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*Sexual abuse of children, both males and females, is a silenced but widespread phenomenon. It leaves deep rooted physical, social as well as psychological scars on the innocent child victim who is indisputably defenceless and least responsible for any “provocation”. This research paper is a testimony that sexual violence against children by adult acquaintances is not a utopian concept but it is a social reality that is unrecognized and waiting to be constructed. Victims as well as their families prefer to keep it in strict confidence as disclosing means stigmatization of the child because of the prejudiced socio-cultural laws.*

**Keywords:** Sexual Abuse, Incest, Acquaintance, Child, Stigma, Child Sexual Abuse

## INTRODUCTION:

Crime is a part of society. There will hardly be any society where there is no crime, the rates may vary. Sexual Violence is also a crime but of a different nature because the socio-cultural laws, while dealing with this crime, do not come to the rescue of victims but stigmatises them, irrespective of the fact whether the victim is an adult or a vulnerable child. All the children have the right to violence-free and dignified lives but sexual violence inhibits them from realising their rights and potential in all aspects of life- physical, mental and social. This paper looks into these aspects of males and females survivors of Child Sexual Abuse (CSA) in Jammu who have been abused by adult males and/or females in the position of power, trust and responsibility for the care and protection of the child.

Female - Present age 50 (in 2019) - Married - Homemaker, “I was 14 (1983) when my life started becoming a hell and the one who was pushing it towards that hell was none other than the man who was supposed to protect me from the outside devils. He was my father (39). He was serving in a defence force. I was born of his second wife. His first wife was also alive and he had kids with her. Then he married my mother for some reason which I cannot disclose. Whenever he came on leave, he used to visit his first wife and her family but mostly stayed with us. It was during one such leave when the worst nightmare of my life started.

My mother had gone to her maternal home and I was home along with my siblings. It was evening and he came home drunk. He asked me to get dinner for him and went to his room. My mother always told me not to go near a drunken man but he was my father and I could not doubt or disobey him. He went straight to his bed and I

followed him with his dinner. He told me to shut the door. I felt strange but could not think even for a second what was coming my way. He asked me to sit near him. I did not want to because he smelled of alcohol. He pulled me onto the bed with a jerk and threw away my *dupatta* (scarf). He tried to kiss me and pull up my shirt. I started shouting and somehow managed to run away. He threatened me to abandon my mother and siblings if I told anyone about what he had tried to do. I spent the night outside home because I was really scared to enter my house. Early morning when he woke up, he behaved normal as if nothing had happened. I tried to convince myself that it was only a mistake under the influence of alcohol. My father can never do such a thing to me. My mother also came back home next day but I did not tell her anything as I thought it might ruin their relationship.

But he was neither worried about his relationship with my mother nor had any hesitation and realization of his relationship with me. He repeated the same next day and this time I did not even shout because I did not want my mother to see that horrible scene and ruin the family. I was also scared that she might blame me. I kept crying silently while he was satisfying his lust and this became a routine. Whenever he came home on leave, it was bound to happen. It went on for two (2) years till my mother found out one day. She started scolding me but I told everything to her right from the beginning and how much it troubled me.

Next day my father went back to his unit. My mother was really disturbed. She finally decided to report this to his Commanding Officer (CO). She went to his unit. His CO was a gentleman. He called my father and asked him if it was true but he refused. My mother told me that they handled him 'their way' and finally he admitted that he had been doing this for the last two years. The CO immediately took action and terminated him. He was given Life Imprisonment and whatever funds were due for him were transferred to me and my mother's name. They also promised my mother that they will recruit my brother in the force once he grows up.

This chapter was over in a way but the next important task was to get me married. After a few years when my family started looking for a match for me, it was really hard to deal with my father's imprisonment issue. Finally, we found a match but we could never tell anyone that my father was imprisoned for raping me. So we had to cook a story that he was falsely implicated in a case and that is why he was in jail. Actually that was the story we told everyone, even my younger brothers. We told the same to all our relatives and neighbours etc.

I was finally married but I relive that trauma every time my husband gets intimate with me. The fact that I have hidden this matter from my life-partner is enough to add to my misery. He is a noble man, very loving and caring. But my guilt does not leave me alone ever and that makes me depressed. Today I have a happy family with my husband and two children but deep down I feel that I am cheating on my husband but I cannot take the risk of telling him the truth and lose him. Now there is triple stress: re-living the trauma while my husband gets romantic with me; having hidden the reality from him; and fear of losing him and his trust if I tell him now because he will certainly question why I did not tell him earlier. I think this secret will always be buried in my heart and I am not going to ever get relieved of this trauma. You (researcher) are the fourth person to know about my secret from me."

If sex is only about one's physical needs or poor impulse control, this father would not have raped his daughter for 2 years. The abuser had two wives, he could have easily satiated his lust for sex but he chose his daughter over his wives. It could also be argued that he was under the influence of alcohol and he could be given benefit of doubt which the respondent also gave after his first attempt but it was his repeated behaviour. It is clearly a case of power where the perpetrators is imposing his will on the innocent child that comes from lack of fear of being exposed and punished. There is a need of a social structure which accepts a victim's dark backstage life without judging and stigmatizing the sufferer.

Male - Present age 16 (in 2019) - Student, "I am in class 11. We live in a joint family. My father is a businessman. He is a big name in Jammu. He runs his business jointly with my uncle (his brother). It was around two years back when this uncle of mine started hurting me- both physically and mentally. He must be around 35 and I think he is bisexual.

One day, I was studying in my room and he came there and started talking to me which was nothing unusual. Since we all lived together so we were quite close. Suddenly, he started touching me in a way that made me little uncomfortable. I could not understand anything. I was confused. He started asking me personal things like if I had a girlfriend or if I had started masturbating. I was surprised. He asked me to do that in front of him. I laughed it out not knowing how to react. He said that I was a grown up man and we must talk to each other. He said he will teach me how to do it and started pulling my pyjamas down.

I was shocked but still confused. I thought he was joking. But he was not, he was serious. He pulled his trousers down and started doing "things" to himself in front of me. I did not know how to react. I thought it was best that I leave the room. So I ran away. After sometime, he came out of my room and said he was joking. I felt strange but ignored it.

A few days later, he again came to my room and repeated all that. This time he was neither joking nor he let me go out of the room. He grabbed me by my arm and started touching me forcibly. I was not able to figure out what I should do. When I tried to stop him, he got angry and started hitting me. I was hurt, both mentally as well as physically. I could not shout because I did not want anyone to think that I was weak. He started touching my private parts forcibly and did things to himself and then this became a routine.

After a few months, I gathered all my courage and told my parents what had happened. They were worried about it but they were more worried about the family business. They told me to avoid him. I was devastated because they were my last hope and they had refused to help. I thought the best way to get out of it is to kill myself. So I attempted committing suicide but just as I was a failure in studies and life, I proved to be a failure in this also. I was saved to suffer more. I thought maybe now my uncle would understand how frustrated I was and he will back off but I was wrong. It did not really matter to him. After sometime I thought may be my paternal aunt (his real sister) could help me but another shock awaited me when she told me that he abuses her also. She is unmarried and lives in the same house as ours.

Now it has been more than two years that he has been abusing me but nobody says anything to him in the family. They do not know about my aunt's agony but they are not even helping me. Whenever he comes home,

we both get scared. I am so disturbed by his presence that I feel like killing him. I get scared just by his glimpse. It is painful living with him under the same roof but he does not seem to be feeling guilty of anything. I feel ashamed of myself. I hate myself. I sometimes feel like running away from home. I am just waiting for my aunt to get married and also for me to clear my 12<sup>th</sup> after which I will leave Jammu for further studies.

But before I go from here, I want to teach him a lesson so that he does not repeat this with someone else. Meanwhile I am visiting a psychiatrist just to pacify myself from the effect it has created on my mind and it is helping me to a great extent. My life is so weird, my uncle keeps giving me pain and I keep visiting my therapist to get out of the guilt and shame of being abused and be ready to face it again. I am sure, one day I will have enough courage to punch him hard on his face and this will happen for real and not just in my dreams.”

“Boys do not cry” is one phrase which has created havoc in many boys’ lives since they do not want to show their pain to anyone for fear of being labelled ‘non-masculine’. The range of impact on survivor of CSA depends much on his/her own coping mechanism and the support they receive from family after disclosure, which in this case has been completely missing and hence making the child violent and aggressive. Since the child cannot vent out his anger in reality, he does it through dreams. Unfortunately, many clinicians term these real horrible incidences as a child’s fantasy.

One of the earliest canons in the writing on sexual assault on children is the assertion that children are not to be believed. The need to disbelieve has its origins in Freud’s need to deny what he was hearing about his male associates from their daughters who were his clients. Freud preferred to turn things around and focus his attention on the child’s fantasies rather than on the adult’s predatory behaviour. Many clinicians still are taught that children want genitally specific contact with the adults in their immediate environment, fantasize it, and when angry may even make up such stories to punish the male figure (Rush, 1980). Another myth which prevails says that the victim is a bad sort of child anyway and also it is a way of life in some families. They just seem to accept it and do not feel horrified.

In reality, from reports gathered by Sandra Butler in her 1980 work *Incest: Whose Reality, Whose Theory?* children go to great lengths to lie in order to assure others that incestuous assaults do not happen. She goes on to say that she has never known a child who claimed being assaulted and had “made it up”, rather there are many who do not tell anyone until early adolescence or when they have a feeling of enough power to survive outside the protection of the family. By the time they speak up, either directly or more often by “acting out” behaviour such as running away, drug addiction, alcoholism or suicide attempts, it becomes easier to scrutinize the symptomatic behaviour rather than to believe the underlying reality that caused enough pain and rage to precipitate such extreme behaviour (Butler, 1978). This argument gets substance from Dr Manu Arora, Head Department of Psychiatry, Government Medical College, Jammu when he says that none of his patients ever came to him to be treated for effects of CSA. They come with other problems that are usually seen as outcomes of CSA and it is only after investigation that they admit having been abused. ‘Borderline Personality Disorder’ (BPD) is widespread in CSA survivors where becoming suicidal, wrist-cutting, getting promiscuous, compulsive sexual needs, etc. becomes very common. This is more frequent in case the survivor does not get parental support

after disclosure. Another common outcome of the same is 'Psychogenic Blindness' in which the patient feels that s/he is blind but actually s/he is not. Suicide Rate was found to be higher in abused children in Jammu as compared to non-abused ones. Out of 600 school, college and University students, who were administered questionnaires assuring complete anonymity, 186 (31%) admitted that they have been abused by one or more than one adult known to them. A total of 71 respondents (11.83%) consisting 28 males and 43 females had attempted suicide while 529 (88.17%) had not. Out of these 15 males and 31 females also reported having a history of CSA. It is clearly evident that those with a history of CSA have higher vulnerability to attempting suicides which is an outcome of CSA that happens with these children for real.

Besides accusing children of making up stories, many begin with the view that it is the child who is the source of blame, responsibility and seduction of the adult. In their opinion, in some instances, child is the "active seducer rather than the one innocently seduced" (Herman, 1981); some "avoid guilt feelings by denying their enjoyment in the sexual experience" while many children are "passive participants who seldom complain or resist" (Bell, 1993). So, according to these writers, these children not only instigate it, but, even if they do not, it is seen as proof that they are seductive by "their submission and albeit masked pleasure". The fact is, out of 186 abused children from Jammu, 107 (57.53%) were not even aware of what was happening to them when they experienced abuse for the first time.

These assumptions are based on the observation that such assault rarely begins with threats of physical harm or corporal abuse. Overlooked is the more subtle coercion of bribes, gifts or misrepresentation of moral standards. The child has no reason to feel threatened by an adult in the family and will assume what the adult is telling to do is alright. After all that is the training given to children. They respond to an adult whose love is important to them by denying their own reality and perceptions and most of the times it happens to them at an age when they are yet to perceive their reality.

Some youngsters feel further torn because they may be enjoying the only form of love and attention that is offered in their family and the special position it offers them. The child is caught in the knot of being hugely powerful- the one who holds the key to the secret- and yet completely powerless to do anything to stop it from continuing. In a few instances where survivors felt some closeness and enjoyment during the assault, they later consistently said it was "their fault", their responsibility and badness for letting it happen. It becomes a double betrayal- one at the hands of their assailant and the other at the response of their bodies.

But "child-liberationists" like Dr. Wardell Pomeroy, an American sexologist writes in *Forum<sup>i</sup>* magazine in 1976 that he has known many cases of father-daughter incest which illustrate that this kind of relationship can be positive as well as negative and "incest between adults and younger children can also prove to be a satisfying and enriching experience". A year later, Dr Edwin J. Haeberle, proposed in an article in *Hustler<sup>ii</sup>* that laws against incest should be abolished as they deprive children of their 'right to sexual satisfaction' (Herman, 1981).

Such interpretation appears to suggest that CSA does not happen at all and children make it up; or, if it happens, however rarely and to lower class people, then it was because children were seductive and wanted it and they are to be blamed; and finally, that even if it does happen frequently and children were not seductive and

encouraging, it is something that is a pleasurable experience and an enriching part of their growth into adulthood. The fact is that the seductive behaviour may be the result, but can never be the cause of sexual abuse because regardless of the victim's behaviour, or reason for such behaviour, the responsibility for appropriate behaviour lies with the adult.

One of the most notable features of the literature on child sexual abuse is the extent of agreement over the gender distribution of abusers. It is men and adolescent boys who make up the vast majority of abusers. For female victims of all ages, men are perpetrators in 95 per cent or more of the cases. When male victims are considered, clinical and hospital studies report that at least 85 per cent of sexual offenders are men (Pillai, 2004). This was further substantiated in Jammu where majority of the abused children (89.25%) were abused by a male while 7.53 percent were abused by an adult known female and 3.22 percent by both male and female. This is probably for the reason that there are no such pressures on males to be 'virgin' whereas it becomes a matter of family's honour and pride in case of girls.

*Bitter Chocolate* (2000) by Pinki Virani provides disclosures about men, and some women, in middle and upper-class families who sexually abuse their children, and then silence them into submission. The book highlights the dogmatic laws of society about virginity. For boys, it hardly matters but in case of girls, the whole family's *izzat* (honour) lies in the little girl's vagina.

Judith Herman in her *Father-Daughter Incest* (1981) maintained that many men felt entitled to use children for their sexual enjoyment but fantasy theorists reduced these acts to mere child's fantasies or way of seeking revenge for not getting sexual attention from adults. Herman pointed out that Freud initially believed his patients' accounts of sexual abuse and considered that childhood sexual trauma was the root cause of hysteria in women. In the face of considerable opposition, he quickly disavowed his 'seduction theory' and re-described his patients' accounts as fantasies. Herman combined an analysis of patriarchal power with the idea that such power leads to a particular gendered psychology. This case of a female from Jammu is a classic example of this argument.

Present age 26 (in 2019) - Lecturer – Unmarried, "I am a post-graduate and live with my parents and an elder sibling. Everything is good except one part of my childhood. Though I have been sexually ill treated by at least ten boys/men but there is one incident because of which I particularly feel ashamed and disrespectful about myself. Why would someone try to get sexual pleasure with a six (6) year old? This was my first ever sexual encounter and that too by someone I loved, trusted and knew- he was my cousin (22). In fact I have been abused by other men of the family as well but this was the first time when I was not even aware that I was being ill-treated.

He was very loving and whenever he came to our home, he used to take me for walks, used to play with me, get gifts for me and showed a lot of affection and love. I always felt excited when he came. I vividly remember that he had come to my home as usual and was playing with me in the afternoon. As far as I remember, it was a holiday and my parents were asleep. He took me in his lap and started kissing me on my face and lips. He told me that he loved me the most of all cousins. I was his favourite, so he always gave me special

treatment. He also convinced me that I should not tell about that to others lest they should feel jealous. He made me do ‘things’ to his private parts which I did not understand then but now I realize what all he made me do was nothing short of molestation. Now, when I recall the expressions he had while doing all that to me, I feel scared and dirty. I cannot find the right words to explain that feeling.

This went on for a long period and probably it was because of him that my other cousins or uncles did not have to face any difficulty in convincing me to do all that with them because for me, it was their special way to show their love and affection towards me. Slowly and gradually, as I grew up, I started realizing that this was not the right way to express love and then I started running away from all those cousins and uncles. I avoided visiting any relatives. It made me feel ashamed of myself and develop distrust in relationships. For some time I even started hating myself because I thought that I was ‘that’ sort of girl and that is why they all targeted me. I also started hating the thoughts of having sexual relations with anyone...

I did not tell my parents about it because when I was a child, I did not know that I was being abused and when I was growing up, I always heard one of my school teachers saying that it is the girl who is at fault if boys get attracted to her. She used to take our Hindi classes and always told the girls (in the presence of boys) to stay away from boys, in class as well as outside. She was convinced that boys are innocent and fall prey to girls’ bad signals which they give away to catch their attention. So, according to her, the boys who eve-teased or sexually molested girls were not at fault, rather they were the victims of the girls’ “*jaal*” (trap).

It is a fact that children believe whatever their teachers say, thus I was convinced that it was my fault and not theirs. So, I was always scared to share it with anyone. But I am happy, that my *didi* (female cousin) gave me so much confidence that I could share this with her and get some relief. But I never got that confidence from my mother or anyone else that they will believe me and not judge me if I ever tell them any secret. One thing is sure that when I become a mother, my children are going to have a tough time in enjoying personal space because I am not going to leave them alone, ever. I will also tell them about good touch and bad touch because I do not want them to be growing up with bad memories in which they feel ashamed of themselves. They will have a best friend in me.”

This case is an example of biased socialization. Policy makers and activists generally talk of giving sex education to children, it is equally important to first sensitize the teachers and other adults who deal with children so that they do not spread wrong notions in society and justify such acts. It was kind of disappointing when some schools were approached to conduct this survey in Jammu and many of them straightaway refused because they opined that children should not be acquainted with such ‘dirty’ things. Thinking about providing sex-education to children is out of question in such schools when the gravest concern is that a teacher who is supposed to give right direction to young boys and girls, is herself wrongly socialized and issuing certificates of victimhood to abusers in front of adolescent boys. If such boys become abusers in future, they will surely feel disappointed if anyone tries to tell them what they are doing is uncalled for or abusive or sexually violent behaviour.

This was openly manifested in the infamous Delhi bus gang rape case of 2012 where one of the convicts Mukesh Singh opined that the girl was roaming around with a boy at night so she needed to be taught a lesson.

So for them, rape was not a sexually violent act but a way to discipline a spoilt girl. He also opined that she should not have resisted it. They killed her out of frustration against her resistance (India's Daughter, A BBC Documentary banned by the Indian Government). A self-proclaimed Godman Asaram Babu, with millions of followers and also convicted of rapes and murders later, feels no different from this rapist. He had an opinion that rather than trying to fight them back, the girl should have requested the boys by saying 'bhैया, please mujhe chhod do' (dear brother, please let go of me). So he is openly blaming the victim rather than the perpetrators.

There is a small amount of research with perpetrators of sexual violence which has not taken the models of individual pathology as its starting point. This includes Diana Scully's (1990) interviews with 114 convicted rapists in which they describe the 'excitement', 'adventure' and enjoyment of power that rape gave them and the enhancement of their masculinity it provided. Conte et al. (1989) developed an innovative method of data collection in asking convicted child sex offenders to 'write a manual on how to sexually abuse a child'. The result was considerable information about the deliberate, conscious process involved in grooming children for abuse, and the pleasures of power and control. This was reaffirmed by Dr Gurvinder Singh (SwamiAntarnerav), a psychologist from Jammu who confirmed having come across male child sex offenders. There was an abuser who was abusing his niece since her childhood and when she was going to get married, she pleaded him to let go of her. He told her to find another young virgin girl for him if she wanted to be free of his control and she delivered what he wanted of her. He informs though the number of abusers who come forward with confessions is negligible yet sometimes some men do admit and when they explain how they trap the child, feel the power and control the child's future; it is no less than a thriller movie script of Bollywood or Hollywood (Mohan, 2012).

In *Don't Tell: The Sexual Abuse of Boys* (2002), Michel Dorais quotes Maurice Godelier who tells how the Baruyas of New Guinea force their young ones to fellate their elders. Forcing the boys to have sexual relations with their elders serves to perpetuate the power structure between the sexes- to maintain the subordination not only of male children but also of women, who are considered "inferior". It is to be noted that, in societies that encourage this form of initiation, the sexuality of the boys is in no way considered. The expectation is not that he should derive any pleasure rather he should conform to the customs of the culture to which he belongs. The model of non-reciprocal sexuality is therefore transmitted from one generation to the next: the adult male takes what pleases him. This form of intergenerational and non-reciprocal sexuality thus plays a role even in the transmission of masculine role models. For some men, it is an expression of their power.

Psychologist Rollo May has written in *Love and Will* (1969) that to make others suffer is one way to prove that one exists. In making an impression on others, a torturer sees him/herself as all-powerful. To make a female suffer would be a proof of masculinity and to make another male suffer would be one of the ultimate proofs of virile superiority. The violence is always odious, but it is part of humanity: a forced relationship obliging another to recognize one's needs and to satisfy one's desire.

This has also been called as 'Derivatization' (Cahill, 2011) which is a new concept in the social construction of the problem of CSA. As 'objectification' has been defined as 'treating a person as an object',

‘derivatization’ is defined as ‘treating a person as a derivative’. To derivatize is to portray, render, understand, or approach a subject solely as the reflection, projection, or expression of another subject’s being, desires, fears, etc. The derivatized subject becomes reducible in all relevant ways to the derivatizing subject’s existence- no other elements of their being or subjectivity are perceived to be relevant. Indeed, it is most likely that aspects of their subjectivity that do not directly reflect the derivatizer’s subjectivity will not be perceived at all, and may in fact be suppressed.

Understanding this phenomenon demands an understanding of embodied intersubjectivity, that is, the relationship between individual experience, and its meaning, and the experience of other individuals, and how this interconnection could explain social actions. As Alfred Schutz (1967) sought to show how the lifeworld of persons delimits and makes individual action and interaction possible, how people comprehend the consciousness of others while they live with their own stream of consciousness. Intersubjectivity, in case of CSA, does not amount to equality or symmetry. The assailant imposes his/her desires, will, body and sexuality upon the victim.

Susan Brownmiller (1975) believes that from pre-historical times to the present, sexual abuse has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear. So it becomes imperative to understand how one section (abuser) exercises the ‘power’ in social relationships over the other (victim/survivor) to impose its will.

Thus, Foucault’s concept of sexuality becomes extremely important here. In his four-volume study of sexuality in the western world *The History of Sexuality*<sup>iii</sup> (published from 1976-2018), he argues that the notion that every individual has ‘sexuality’ did not exist in the Western World till recent past. It is important to develop an analytics of power<sup>iv</sup> to understand sex. Highlighting that power controls sex by laying down rules for it to follow, he discusses how power demands obedience through domination, submission, and subjugation, and also how power masks its true intentions by disguising itself as beneficial. That is why anthropologists such as Peggy Reeves Sanday (1981) have demonstrated that certain societies are highly ‘rape-prone’, whereas others are notably ‘rape-free’; and that these differentials in sexual aggression correlate with social variables such as the gross violence levels, gender stereotypes and the position of women within the sexual division of labour. So, in order to understand sexual behaviour in any society, we must turn to the social and cultural forces that programme its expression.

One of the most important lessons of twentieth century anthropology concerns the enormous variability in the ways humans have found to channel basic drives. This finding applies to the sex drive as much as to any other. As Malinowski (1929) puts it: ‘Sex, in its widest meaning... is rather a sociological and cultural force than a mere bodily relation of two individuals. More recently, anthropologists studying sexuality and sex roles have convincingly demonstrated that male and female, sex and reproduction, are cultural or symbolic constructs, whatever may be the ‘natural’ bases of gender differences and human reproduction.

It becomes important to mention here again that the variation in the incidents of rape cross-culturally demonstrates that culture is a powerful force in channelling the human sex drive. For example, when the

informants in West Sumatra were questioned on the reason for the relative absence of rape there as compared with the United States, they replied that rape was impossible in their society because custom, law and religion forbade rape and punished it severely (Sanday, 1981).

As far as these aspects are concerned in Jammu, Additional Advocate General of J&K High Court, Jammu Adv. Seema Shekhar Khajuria shares her concern that she is yet to see shame and guilt in the eyes of accused or convicts or sexual violence. She further adds that instead of guilt, she sees disappointment and anger in their eyes against their lawyer and the victim if they are convicted which otherwise turns into shine of victory in case of acquittal for lack of evidence or witnesses. She shares her concern that in cases where rape has been committed as per the medical reports, but the accused is acquitted, the case should not close there because the culprit is still at large. But due to prolonged legal proceedings and fear of stigmatization, people prefer not to come to the courts or get rid of the case as soon as possible.

Another notable point, highlighted by an Advocate of high repute in J&K High Court Sheikh Shakeel Ahmed is that there had been no separate laws governing sexual violence against children till recent past in Jammu and Kashmir. The Protection of Children from Sexual Offences (POCSO) Act was enacted in 2012 in entire India except J&K due to Article 370. It was only in 2018, after the infamous *Rasana* (Kathua, J&K) gang-rape case of a minor girl that the J&K Protection of Children from Sexual Violence Act was enacted with provision of Death Penalty in case of rape with a child up to 12 years. Before that, these cases were tried under the usual sections of Ranbir Penal Code (RPC<sup>v</sup>) which made no distinction between a child and an adult survivor. Sensitivity of all the sections towards the problem is CSA is the need of the hour.

Thus, there are two different ways of viewing causation for CSA, like any other social issue- the proximate and ultimate. These two perspectives are not alternatives but complementary to one another and produce a more comprehensive understanding of causation. Explanations for biological traits and social factors are referred to as proximate causes whereas the ultimate causes are evolutionary explanations. While proximate causes of behaviour equate to immediate causes of behaviour; ultimate explanations are concerned with why particular proximate mechanisms exist in the first place (Palmer & Thornhill, 2000).

All these traits, factors and explanations in the society, shape how people present themselves in their everyday lives and what methods they employ to make their actions and interactions meaningful and orderly. What they present to the 'World of Theatre', often as a team, hiding secrets is an act of impression management- the front stage as very different from the back stage (Goffman, 1959). The CSA survivors in Jammu may be presenting a very cordial picture in their front stage by going to school, college or university; meeting friends; visiting relatives; attending social gatherings; playing sports; doing good in their respective professions etc; yet what they have been through in their back stage which is full of dark and strategic secrets is known to very few people or may be nobody. Table 1 shows such dark and strategic secrets and their impact on ten (10) boys and girls in Jammu who were interviewed other than the 600 students.

It was found that in Jammu three out of ten children are the victims of sexual violence by someone known to them but they remain silent or are forced to remain silent by their family members because of the stigma that such acts carry against the victims. For girls it is important to be a virgin till her marriage and for boys it is the question of his masculinity till he breathes his last. It is quite evident that sexual violence is a serious attack on a person's right to a dignified life. Apart from being stigmatized, there are both short-term as well as long-term physical, emotional and/or psychological effects of these acts on children.

The most important contribution by society towards fighting CSA would be to acknowledge that Sexual Abuse of innocent children is a reality and that the families come from every economic, cultural, racial, educational, religious and geographical background. "Respectable" ones are merely better at concealing it. The abusers also hail from all backgrounds- heterosexual, bisexual and homosexual, happily married and four-times divorced, emotionally stable and split personalities etc. A social structure has to be constructed where children are treated not just as 'objectifications' and 'derivatizations' of adults but as individuals. So in order to protect the young children from sexual abuse, stringent and unpatriarchal socio-cultural laws are needed to transform the society (for better) for children where they can develop fully and reproduce a healthy society in return.

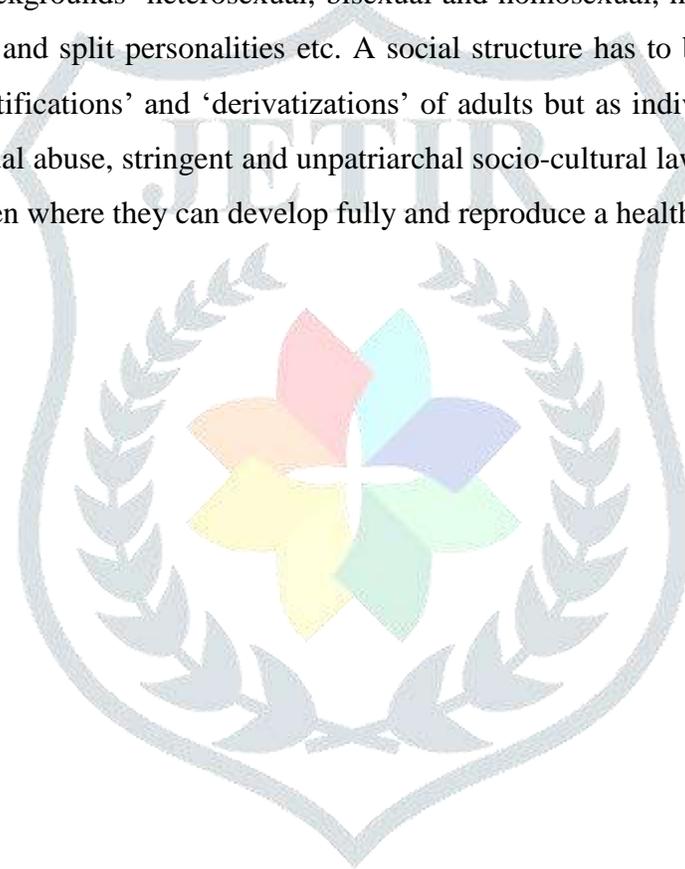


Table 1- Abuse by Close Relatives and Fictive-Kin in Jammu

S. No.	Present Age	Abuser	Place of Occurrence	Nature of Abuse	Age at the time of Abuse		Outcome
					Victim/ Survivor	Abuser	
		(M) = Male (F)= Female					
Females							
1	21	Cousin (M)	His House	Touching, Fondling	5	20s	Confused, Disinterested in Sexual Relations, Hatred, Excessive negativity
2	20	Father's Friend (M)	His House	Touching, Fondling	8	30s	Nightmares, Bad Relationship, Attempt to Suicide
3	42	Cousin, Uncle, Family Friend, Spiritual Leader (Ms)	Different Places	Touching, Fondling, Sexual Intercourse	13	40s	Disinterest in Sexual Relations, Shame, Suicide attempt, hatred, anger against parents
4	50	Father (M)	Her House	Sexual Intercourse	14	39	Trauma of lying to Husband, Stress
5	41	Paternal Uncle (M)	His House and Her House- both	Sexual Intercourse	6	25	Victim Blaming by parents, submissive, suicidal
Males							
1	35	Driver (M)	His House	Touching, Fondling	8-9	24	Hatred, Disrespectful towards others, Sexual Identity Crisis
2	46	Tuition Teacher (F)	Her House	Voluntary Oral Sex	13	23	Distrust in relationships at a later stage
3	18	Spiritual leader (M)	Survivor's House	Sexual Intercourse	11	48	Distrust by parents, attempted suicide, sense of worthlessness
4	14	Family Friend (M)	Hotel/ Vacation	Sexual Intercourse	7	21	Nightmares, anger, guilt, Sexual Identity Crisis, scared of chips and cold drink (were offered by abuser)
5	16	Paternal Uncle (M)	Common House	Sexual Intercourse	14	35	Suicidal, No Support from parents, hatred, anger, nightmares

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## ENDNOTES

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- i. *The Forum*, an American Magazine closed in 1950.
  - ii. *Hustler* is an American monthly pornographic magazine.
  - iii. The first volume, *The Will to Knowledge* (La volonté de savoir), was first published in 1976; an English translation appeared in 1978. *The Use of Pleasure* (L'usage des plaisirs), and *The Care of the Self* (Le souci de soi), were published in 1984. The fourth volume, *Confessions of the Flesh* (Les aveux de la chair), was published posthumously in 2018.
  - iv. By power, Foucault does not refer to the domination or subjugation exerted by the government or the state, but as the multiplicity of force relations emanating from all social relationships and being imposed throughout the society.
  - v. Ranbir Penal Code (RPC) was on the lines of Indian Penal Code (IPC) but was exclusively applicable to the erstwhile state of J&K. It stands null and void after the scrapping of Article 370 and change of status of J&K from state to UT with effect from October 31, 2019.

