APPENDIX - II

‘A STUDY OF SEXUAL ABUSE OF GIRL CHILDREN WITH SPECIAL REFERENCE TO BEED DISTRICT’

Interview - Schedule

Section -I

1.1 Age group
   a) 11 to 14  b) 15 to 18

1.2 Marital Status
   a) Married  b) Unmarried

1.3 Caste
   a) Scheduled caste  b) Scheduled Tribe
   c) Other backward class - NT
   d) Open

1.4 Education
   a) Middle School  b) High school.

1.5 Nature of family
   a) Joint  b) Nuclear
1.6 Father’s occupation

a) Daily wage earner  
b) Agricultural work  
c) Riksha driver  
d) Gavandi  
e) Private job  
g) Govt. servant  
h) Self employment  
i) Unemployed

1.7 Mother’s occupation

a) House Wife  
b) Agricultural work  
c) Domestic worker  
d) Daily wage earner  
e) Private job  
f) Govt. servant  
g) Self employment

1.8 Annual Income of the family

a) 5000 to 10000  
b) 10001 to 15000  
c) 15001 to 20000  
d) 20001 to 25000  
e) More than 25000

Section - II

2.1 What type of atmosphere do you have in your family?

a) Friendly  
b) Tensed  
c) Mixed
2.2 In which manner do you face gender discrimination in your family?

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type of Discrimination</th>
<th>Brother</th>
<th>Sister</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Always</td>
<td>Often</td>
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<tr>
<td>1</td>
<td>In Food</td>
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<td>2</td>
<td>In Household work</td>
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<td>3</td>
<td>Sending for Playing</td>
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<td>4</td>
<td>Going to Cinema</td>
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<td>5</td>
<td>Watching T.V.</td>
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<td>6</td>
<td>Visiting Friends</td>
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<td>7</td>
<td>Bringing New Things</td>
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<td>8</td>
<td>Bringing New Clothes</td>
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<td>9</td>
<td>Going out</td>
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<td>10</td>
<td>Sending to school</td>
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<tr>
<td>11</td>
<td>Participating in School programmes</td>
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<td>12</td>
<td>Participating in games and sports</td>
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<td>13</td>
<td>Going to Tour etc.</td>
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<td>14</td>
<td>In medicine and treatment</td>
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<td>15</td>
<td>Purchasing books</td>
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<td>16</td>
<td>Punishment for mistakes</td>
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<td>17</td>
<td>For coming late in the evening</td>
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<tr>
<td></td>
<td>a) Scolding</td>
<td></td>
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<td></td>
<td>b) Beating</td>
<td></td>
<td></td>
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<td></td>
<td>c) Giving understanding</td>
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<td></td>
<td>d) Not speaking</td>
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<td></td>
<td>e) In some other manner</td>
<td></td>
<td></td>
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<td>18</td>
<td>In purchasing vehicle</td>
<td></td>
<td></td>
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<td>19</td>
<td>In giving Pocket-money</td>
<td></td>
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<td>20</td>
<td>Humiliation and insulting behavior</td>
<td></td>
<td></td>
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</tbody>
</table>
2.3 How much time do you have to give for household work daily?
   a) One Hour    b) Two hours   c) Three hours   d) Four hours
   e) Five hours f) Six hours g) More than Six hours h) Not giving time

2.4 What type of punishment do you get for mistakes?
   a) Beating    b) Scolding    c) No food   d) Locking
   e) No talking to    f) Any other

2.5 If you go alone for market, what sexual harassment do you face?
   a) Whistling    b) Singing valgour songs   c) Making sexual comments
   d) Looking at in a sexual way  e) Touching private parts
   f) No bad experience

2.6 Frequency of quarrel between parents?
   a) Always b) frequently  c) not answered

2.7 Do you have any person in the family given to addictions?
   a) Yes  b) No

2.8 If ‘yes’ who are they?
   a) Father  b) Grandfather  c) Brother  d) Uncle
   e) Any other relative

2.9 What are your means of entertainment?
   a) Television    b) Mobile    c) To play    d) To go to cinema
   e) Internet f) Chitchatting with friends  g) Television, Mobile, cinema
   h) Television, internet, cinema i) Mobile, Television, chitchatting
   j) No medium of entertainment.
2.10 Who are the people who visit your house frequently?

Relatives - a) Paternal Uncle, b) Maternal uncle  c) Cousins
d) Brother-in-law e) Family friends (male) f) Family friends (female) 
g) Almost all the above relatives  h) Others

2.11 Of the visitors, with whom you have rather close relations?

a) Relatives b) Family friends  c) Known persons and  d) Neighbours

2.12 Do you receive some kind of help from such person?

a) Yes  b) No.

2.13 If ‘yes’ what kind of help?

a) To accompany to school  b) To accompany to market
c) In your studies  d) On tours  e) Any other

2.14 Do you feel uncomfortable in their company?

a) Yes  b) No

2.15 If ‘yes’, what kind of their bahaviour is the cause of your annoyance?

a) Touching the private parts  b) making sexual comments
c) Hugging and kissing in sexual way d) intercourse  e) Any Other

2.16 What kind of behaviour of fellow passengers you encounter while travelling by public transport?

a) Touching private parts  b) Making sexual Comments
c) Sitting very close  d) Looking in Sexual way e) Any other
2.17 What is your reaction in such situations?

   a) Oppose   b) Complaint to transport operator   c) Tell to co-passengers   d) Kept mum   e) Any other

2.18 If you keep mum, what is the reason?

   a) Fear about blame   b) Fear about not allowing outside   c) Fear about more trouble   d) Any other

**Section III**

3.1 Do you experience any indecent behavior on the part of any person while attending marriage function?

   If ‘yes’, the frequency of such instances

   a) Often   b) Sometimes   c) Rarely

3.1.1 Who are the persons responsible for your harassment?

   a) Relatives   b) Family friends   c) Neighbours   d) Strangers

3.2 What kind of irritating experience you have to face?

   a) Looking in sexual way   b) Making sexual comments   c) Touching private parts   d) Being photographed without consent   e) Rubbing at   f) Foundling in Sexual way

3.3 Who are the persons behaving with you in disgusting manner in the four walls of your home and outside?

   a) Family members  1) Grandfather   2) Brother   3) Father   b) Other relatives  1) uncles  2) cousins  3) Brother-in-law
c) Family friends  d) Friend’s relatives  e) Care takers  
f) Teachers  g) neighbours  h) strangers  i) other

3.4 What was your reaction to such sexual abuse?
  a) Fear  b) Disgusting  c) Shameful  d) Confusion  
e) Helplessness  f) Oppose to abuse  g) Fear and disgusting  h) Fear, disgusting, shameful and confusion  i) Pleasure

3.5 What are the consequences of such disgusting incident on you?
  a) Sleeping problems  b) Fear  c) Depression  d) Guilt  
e) suicidal attempt  f) Anger  g) Eating disorder  h) Sadness  
i) Sleeping problems, fear and guilt  j) Depression and sleeping problems  k) Guilt, sleeping problems and sadness  l) Anger and eating disorder  m) guilt and suicidal attempt

3.6 Whom did you disclosed the incident?
  a) Mother  b) Father  c) Sister  d) Brother  e) Friend  
f) Other concerned person

3.7 What was the reaction of family members when told about the abuse?
  a) Disbelief  b) Locking  c) Beating  d) Not allowed to go outside  
e) Stop of communication  f) Psychological support about abuse  g) Cautious and given understanding  h) Given complaint against abuser  i) Disbelief and locking  j) Beating and not allowing outside  k) Disbelief and stop of communication
3.8 What was the reaction of people other than family members on the knowledge of the incident?

a) Sympathy  b) Told to oppose  c) To be cautious  d) Dismissal  
  e) Told to neglect  f) Denial  g) Disbelief

3.9 What was the consequence of your sexual abuse in the family atmosphere?

a) Quarrel between parents  b) Tensed atmosphere in the family  
c) Parents become sick  d) Parents doubted the character of the girl.  
e) Discontinued the education  f) Did not allow the girl to go outside  
g) Company of somebody while going outside  h) Quarrel between parents and tension in the family  
i) Tension in the family and raised doubt in the minds of parents  
j) Oppose to send to school or outside  k) Any other.

Section IV

4.1 Do you have understanding of sex?

a) Yes  b) No

4.2 What are preventive measures for sexual abuse according to you?

a) Training for self protection  
b) Proper implementation of law  
c) Awareness campaign against sexual abuse  
d) To change the mindset of society
4.3 Are you aware that you can lodge a complaint with the police against the person who resorts to sexual harassment and abuse of girl children?
   a) Yes  b) No

4.4 If ‘yes’, why did not you sought police help in the matter?
   a) Parents discourage from doing so
   b) Police had not extended any help in similar cases in the past
   c) Doubtful about police help
   d) Did not consider police as friends
   e) Fear of disrepute

4.5 Whether your parents agree for reporting case in the police station?
   a) Yes  b) No

4.6 What do you think are the reasons for your parents for not reporting the matter to police?
   a) Scared of police
   b) Fear of disrepute of the girl and her family
   c) Fear that they would not get the girl married in a respected family
   d) Belief and experience that police do nothing in such matters.
   e) The general tendency of the people to blame the girl victim in such cases.

4.7 Did you consult any counselor after the incidence of sexual abuse suffered by you?
   a) Yes  b) No
4.8 Are you aware of the fact that there is special law to deal with cases of sexual abuse of children?

a) Yes  b) No

4.9 In your opinion what kind of support a girl in such situation should get from parents, relatives and other people in the society?

a. Psychological support.
b. Trust and care by the parents.
c. Positive attitude of the people in the society
e. The guilty should be appropriately punished

4.10 Suggestions if any that you have to make regarding this sexual means of abuse of girl children in society

_____________________________________________________

_____________________________________________________

_____________________

Sd/-

Respondant

Sd/-

Researcher
APPENDIX - III

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
BILL, 2011

BILL

to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of special Courts for trial of such offences and for matters connected therewith or incidental thereto.

Whereas clause (3) of article 15 of the Constitution, inter alia, empowers the State to make special provisions for children; and whereas, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child.

And whereas it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

And whereas it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

And whereas the State Parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent-

(a) the inducement or coercion of a child to engage in any unlawful sexual activity;
(b) the exploitative use of children in prostitution or other unlawful sexual practices;
(c) the exploitative use of children in pornographic performances and materials;

CHAPTER I
PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Protection of Children from Sexual Offences Act, 2011.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II
SEXUAL OFFENCES AGAINST CHILDREN

A- PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

3. A person is said to commit “penetrative sexual assault” it-

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, 35 into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, anus or any part of the child or makes the child to do so with him or any other person; or
(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person:

C - SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Sexual Assault

7. Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault:

Provided that where such penetrative sexual assault is committed against a child between sixteen to eighteen years of age, it shall be considered whether the consent for such act has been obtained against the will of the child or the consent has been obtained by use of violence, force, threat to use force, intoxicants, drugs, impersonation, fraud, deceit, coercion, undue influence, threats, when the child is sleeping or unconscious, or where the child does not have the capacity to understand the nature of the act or to resist it.

E – SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

Sexual harassment

11. A person is said to commit sexual harassment upon a child when such person with sexual intent, -

(i) utter any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such
word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

CHAPER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

Use of child for pornographic purposes

13. Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes –

(a) representation of the sexual organs of a child;

(b) usage of a child engaged in real or simulated sexual acts (with or without penetration);

(c) the indecent or obscene representation of a child, shall be guilty of the offence of using a child for pornographic purposes.

CHAPER IV

ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

16. A person abets an offence, who-

First – Instigates any person to do that offence; or

Secondly – Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or
illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence.

*Thirdly.*- Intentionally aids, by any act or illegal omission, the doing of that offence.

**CHAPTER V**

**PROCEDURE FOR REPORTING OF CASES**

19. *(I)* Not withstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who apprehends that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,-

*(a)* the Special Juvenile Police Unit; or
*(b)* the local police.

**CHAPTER VI**

**PROCEDURES FOR RECORDING STATEMENT OF THE CHILD**

24.(I) For the purposes of recording the statement of the child, the provisions of section 157 of the Code of Criminal Procedure, 1973 shall apply

(2) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973, the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence
CHAPTER VII

SPECIAL COURTS

28. (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

Procedure and powers of Special Court

33. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.
(2) The Special Public Prosecutor, or as the case may be, the
counsel appearing for the accused shall, while recording the examination-
in-chief, cross-examination or re-examination of the child, communicate
the questions to be put to the child to the Special Court which shall in
turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit
frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by
allowing a family member, a guardian, a friend or a relative, in whom the
child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called
repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or
character assassination of the child and ensure that dignity of the child is
maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is
not disclosed at any time during the course of investigation or trial,
except with the consent of the child or his parents or guardian.

Explanation.- For the purposes of this sub-section, the identity of
the child shall include the identity of the child’s family, school, relatives,
neighbourhood or any other information by which the identity of the child
may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the
punishment, direct payment of compensation to the child for any physical
or mental trauma caused to him or for immediate rehabilitation of such
child.
(9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as maybe, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 for trial before a Court of Session.

CHAPER IX

MISCELLANEOUS

Guidelines for child to take assistance of experts, etc

39. Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organizations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

Power to remove difficulties

44. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.
APPENDIX - IV

Pictures Drawn By The Victims

The victims have drawn the pictures when they feel that the words cannot express their feelings.