

Title: Need to bring a legislation to curb the incidents of child abuse in the country.

SHRIMATI P. SATHEEDEVI (BADAGARA): Sir, I am drawing the attention of this House to the increasing number of child sexual abuse reported from almost all parts of the country. The child sexual abuse accounts for, at least, 40 per cent of the rape cases.

Shockingly, there are cases reported of sexual abuse even of infants of three to six months. In the year 1999, out of the reported 3153 cases, 731 cases were of rapes of children below ten years.

Sir, cases of violence against young women like acid throwing, obscene phone calls, kidnapping and sale of girls and women for flesh trade have also grown enormously. Even though this is the state of affairs, there is no special law to deal with sexual crimes against children.

There is a very low rate of conviction in these cases. Out of the 444 rape cases decided by the courts in Delhi in the year 2002, there were only 98 convictions. The poor rate of conviction is due to various reasons.

Sir, in Kerala, in the most shocking judgement in the Suryanelli case of rape of a minor, the accused persons were set free considering the circumstances of the case and with a conclusion that the victim had attained the age of 17 years at the time of the incident.

Sir, Section 375 of the Indian Penal Code defines that sexual intercourse with a woman under 16 years of age, with or without consent, would be treated as rape. This implies that a girl after attaining the age of 16 years could easily be lured or compelled to have sexual intercourse and the accused could justify it as having done with her consent and escape from being convicted.

In our country the age for giving one's consent, whether male or female, is 18 years. The age of 18 years is considered to be an age where a person becomes capable of taking his or her decisions independently. Therefore, the law permits him or her to exercise his or her franchise. The permissible age of marriage of a girl is also 18 years. Therefore, the permissible age of a girl to have a sexual relationship should also be made 18 years.

So, I would like to urge upon the Government, considering the increasing number of sexual abuse of young women and girls, to take steps to suitably amend Section 375 of the Indian Penal Code to enable the courts to give conviction to culprits accused of rape. I urge upon the Government to amend the said provision and introduce a comprehensive legislation which would define different degrees of sexual assault and would also help in giving punishment to the culprits in a time-bound manner.