Goa has turned the screws on paedoph

Shibu Thomas I TNN

Mumbai: Even as a study con-
ducted by the Union women
and child development min-
istry found that over 53% of
the children in the country
have been subjected to sexu-
al abuse at one time or the oth-
er, Goa is the only state that
seems to have taken an ini-
tiative to protect children
from sex offenders.
Enacted in 2003, the Goa
Children's Act is the only law
in the country that targets sex-
ual abuse of children and
tourism-related paedophilia.
"The Act has some good
provisions to deal with trav-
elling sex offenders, (pae-
lophiles who travel from one
country to another)," said au-
hor Nishta Desai, who is also
he founder of the NGO, Chil-
ren's Rights in Goa (CRG).
The lack of a law that com-
rehensively deals with vari-

ous aspects of child sexual
abuse has always been cited
by activists as the reason that
prosecution of paedophiles
fail. At present, the only laws
that can be invoked against
paedophiles is Section 376, in
case of the rape of a girl child,
and Section 377, in case of a
boy child. However, both these
provisions require very strong
evidence to be led in court.
More importantly, a crucial
factor that has to be proved is
penetration. This fails to ad-
dress various other forms of
child sexual abuse, according
to activists.
The Goa Act, however, ex-
pands the scope of sexual of-
fences by including, sexual as-
sault, grave sexual assault and
incest. Grave sexual assault
covers a range of acts, in-
cluding oral and anal sex and
offences, such as making chil-
dren pose for pornographic
films, making children have

GOA CHILDREN'S ACT

• Grave sexual
assault covers
oral sex and
anal sex, mak-
ing kids pose
for porno-
graphic films,
making them
have sex with
each other and deliberately caus-
ing injury to sex organs of a child

• Showing kids obscene pictures
and exhibitionism is sexual assault

• An adult staying with an
unrelated child must register
with the women and child
development department

• Hotels and other
establishments must ensure the
safety of a child on their premises

• No entry for a child below 14
years to a cyber cafe unless
accompanied by an adult

sex with each other and de-
liberately causing injury to a
child's sex organs. Sexual as-
sault includes showing chil-
dren pornographic pictures
and exhibitionism. The pun-
ishment prescribed is three
to 10 years in jail and fine of
up to Rs 2 lakh.
In an attempt to protect
children, the Act also has pro-
visions like making it manda-
tory for an adult staying with
an unrelated child to apply for
permission, banning the en-
try of children below 14 years
to a cyber cafe unless accom-
panied by an adult and also
making it a criminal offence
if hotels and other establish-
ments, including photo stu-
dios, fail to report any suspi-
cious incident.

However, the implementa-
tion of the laws has been spo-
radic. "Unfortunately, many
of the provisions have not
been utilised by the police and

prosecution while chargsheet-
ing suspects," said Desai. The
law also seeks establishment
of Victims' Assistance Units
to assist child victims, but
these have not been set up to
date.

Special children's court,
which were set up to fast track
cases dealing with paedophi-
la, have also been slow to take
off. Till June 2007, of the 83
cases, 56 had been pending. Of
the 27 cases in which verdicts
were passed, only five result-
ed in convictions. In 11 cases,
the accused were acquitted,
while in seven instances, the
accused were discharged for
lack of evidence.
Author Pinki Virani,
whose book on child sexual
abuse, Bitter Chocolate, won
her a national award, says the
problem does not lie in the
lack of laws, but its imple-
mentation. "A plethora of laws
is of little use," said Virani.

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