

PAEDOPHILIA

EXPERIENCE V. EXPECTATION

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SUBJECT: RESEARCH AND METHODOLOGY

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1.1 MEANING OF RESEARCH

The word 'Research' is composed in two syllables, re and search. The dictionary defines the former as a prefix meaning again anew or over again and the latter as a verb meaning, to examine, closely and carefully to test and try or to probe. Together they form a noun describing a careful, systematic,, patient study and investigation in some field or knowledge to undertake to establish facts or principles or one can also define research as a scientific and systematic search for pertinent information on a specific topic.

According to *Lundberg*¹, "Research is a method sufficiently objective and systematic to make possible classification, generalization and verification of the data observed."

M. H. Gopal defines research as, "essentially a systematic inquiry seeking facts through objective verifiable methods in order to discover the relationship among them and to deduce from them broad principles or laws."

These three features put together define 'Research'. When we say we are undertaking Research, it implies at least three things:

1. An examination or investigation is being undertaken.
2. To establish some principle or to find some fact or to answer some problem on some other similar objective.
3. With a well defined method.

¹ Cited in *Legal Research Methodology*, by Shipra Agarwal, Allahabad Law Agency ,first edition 2003, pg no.1-3

1.2 OBJECTIVE OF RESEARCH

The main aim of research is to find out the truth which is hidden or which has not been discovered as yet. Though every research has its own specific purpose, however, the purposes or objectives of research may broadly be classified as follows:

1. To gain familiarity with a phenomenon or to achieve new insights into the existing facts (studies done keeping in view this object known as exploratory or formulative research studies).
2. To portray accurately the characteristics of a particular object or groups; (Descriptive studies).
3. To determine the frequency with which something occurs or with which it is associated with something else (Diagnostic research).
4. To test a hypothesis of a casual relationship between two objects (hypothesis testing research)

1.3 INTRODUCTION

The research highlights the issue of paedophilia-related violence against children in Goa. The history of this crime in the state is long, and as a result Goa is destined to become the child sexual abuse capital of the world, having already attained that status within India.

In Goa majority, newspapers carry reports about incest child sexual abuse ie child being raped by a father, a relative or a neighbour. Girl children work as “guest relations officers”, a

euphemism for sex entertainers in disco joints and beer parlours. Today, there exists a “Kids Porn” website, where children and not adults are chosen for sexual gratification.

Hundreds of Europeans British, Germans, Dutch, French, Swiss and Swedish visit Goa to seek children for sexual gratification. They come to Goa because it is easy and cheap, to sexually abuse a child here. On the run after crackdowns on child-sex tourism in Thailand and Sri Lanka, the paedophile bus has now rolled into Goa; and turned the picture-postcard tourism destination into a paedophile’s paradise.

"A growing number of paedophiles have discovered Goa to be a safe haven. They form a part of a wider syndicate operating globally within a well defined network operating with the use of modern communication systems like the internet"²

1.4 BACKGROUND

Meaning

Paedophilia, or Child Sexual abuse [CSA], is the physical or mental violation of a child with sexual intent, usually by an older person who is in some position of trust and/or power, vis-à-vis the child. The term paedophile refers to any adult who habitually seeks the company of child/children for the gratification of his/her sexual needs.³ A child is defined variously by

² End Child Prostitution Child Pornography And Trafficking Of Children For Sexual Purposes (ECPAT) report, 2003

³ Wikipedia

different Indian laws. In this topic, a child is defined by age - as anyone below the age of 18 years⁴.

Paedophiles are persons who practice paedophilia. They are present at every social and economic level and are very often respected members of the community. They can be close relatives or friends of the victim. They are the people who seem content to fantasize in the safety of their homes and find a sense of fulfillment in sexual activities with pre-pubescent children (children in the age group of 6-12 years).

The term Pedophilia was first formally recognized and named in the late 19th century. A significant amount of research in the area has taken place since the 1980s.

The word comes from the Greek: (*paîs*), meaning "child," and (*philia*), "friendly love" or "friendship". This literal meaning has been altered toward sexual attraction in modern times, under the titles "child love" or "child lover," by pedophiles who use symbols and codes to identify their preferences.

The term *paedophilia erotica* was coined in 1886 by the Viennese psychiatrist Richard von Krafft-Ebing in his writing *Psychopathia Sexualis*. The term appears in a section titled "Violation of Individuals Under the Age of Fourteen," which focuses on the forensic psychiatry aspect of child sexual offenders in general. *Infantophilia*, or *nepiophilia*, is used to refer to a sexual preference for infants and toddlers (usually ages 0–3), *pedophilia* is used for individuals with a primary sexual interest in prepubescent children aged 13 or younger and *hebephilia* is defined as individuals with a primary sexual interest in 11-14 year old pubescent.

⁴ as per the definition contained in the Convention on the Rights of the Child.

Brief History

Goa beckons paedophiles, who travel in order to sexually abuse children because such crimes are tolerated in India and hardly ever lead to conviction. The financial year 2011-2012 had a record 4, 51,998 international tourists visiting Goa, the residents of the United Kingdom topping the list of these visitors and standing at 1, 17,942, followed by the Russians numbering 1,33,999. The visitors from Greece numbering 93 are at the bottom of the list. The financial year 2010-11 had recorded 4.41 lakh international tourists visiting Goa, while in the year 2009-10 the number of foreign tourists visiting Goa stood at 3.76 lakh.

Tourism related child sexual abuse is not unique to Goa although it is generally projected as a problem specific to Goa. This is unfortunate as it remains a neglected issue in other parts of the country. Though it exists in all parts of the world, yet this criminal activity was first blown up in India, with the conviction of paedophile Freddy Peats in Goa, in 1996 although it came into light in the year 1991.

The arrest of a notorious paedophile, Freddy Peats, and his conviction in 1996 led to a major debate about whether such cases were rare, as was the government's stand-point, or whether it was the '*tip-of-the-iceberg*'.

“Famous case of Paedophilia in Goa: The eye-opener”

Freddy Peats was charged with three foreigners from Sweden Australia and New Zealand for hatching a criminal conspiracy to procure minor male children for the purpose of sexual exploitation. An orphanage in Goa run by Freddy Peats acted as the front of these unlawful

activities. Between the periods 1980 to 1991, twenty seven boy children were subjected to perverse sexual activities in the orphanage.

The judgment was delivered by the additional session's judge at Margao on 15th March 1996. This judgment was upheld in appeal by the Bombay High Court, Goa Bench on 2nd April 2000.

Facts

Freddy Peats was running an orphanage called 'Gurukul' in Goa. The unregistered orphanage use to house about 15 to 20 boys the majority of whom were under twelve years of age. All these boys were in most vulnerable state, most of them were from the broken homes and their families did not have the monetary means to care for them.

Peats who describe himself as an 'elderly Anglo- Indian' used to sleep naked at night along with the boys. He use to have the oral and the anal sex with the boys. The boys were photographed in the sexual act and in other obscene manner. He use to sent the boys with foreigners for the purpose of sex. In many of the photographs Freddy Peats could be identified as the abuser. Many of the photographs depicted acts of sadism and showed the boys crying with agony .The legal proceedings were initiated by the father of the of a boy who was abused by Freddy Peats.

The trial was held in-camera, the main reason being that there would be extreme embarrassment for the witness to depose in public in open court.

The courts recorded that the Freddy Peats was injecting the testicles of the boys and photographing the boys in naked poses. The accused admitted that the boys used to sleep naked, that he used to sleep naked with him in his room, that foreigners used to visit him, that he had medicines and syringes in his room.

Freddy Peats had been charged under (i) Section 342⁵ of the Indian Penal Code (ii) Section 355, 328, 337, and 323 of the Indian Penal Code and Section 43 of the Juvenile Justice Act. (iii) Section 292 and 293 of the Indian Penal Code, (iv) Section 377 of the Indian Penal Code, (v) Section 4,5,6, and 9 of the Immoral Traffic (Prevention) Act, (vi) Section 20 of the Indian Post office Act, (vii) Section 21 and 27 of the Narcotic Drugs and Psychotropic substances Act and Section 27 of the drugs and Cosmetic Act.

The court awarded the maximum sentence due to the gravity of the crime.

The bench observed “I am of the opinion with an unshakable belief that the accused no.1 deserved no leniency at all of any nature whatever. The quantum of sentence must certainly be proportionate to the gravity of the crime. A case of this nature is very rare to be booked. The one in hand must be exhaustively utilized to the betterment of the society at large, in order that there would not at all be any repetition in the days to come. In this case the worst enemy of the accused no.1 is non else than himself. I uphold the submission of the Ld. Public Prosecutor that the accused for what all he did must draw the maximum”.

The Deputy Inspector General of Police (Range), Mr Narender Singh Randhawa, admitted that the Goa Police had prior information about the two foreigners – Jorge Harry Ringlemann

⁵ Whoever wrongfully confines any person shall be punished with simple imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(German) and Dreyfuss Bernard Jean Paul (French) – who were named in the television programme.⁶ Ringlemann, the German national and an alleged suspect in paedophilia cases and wanted by the Goa police, was finally nabbed, only after the TV story.

In another case⁷, the police raided the house of suspected paedophile, Theodore Wilhem Anema, who was traveling with two children. He was allowed to go, following his disclosure that his "adoption deed" had been registered with the Directorate of Women and Child Welfare. **Why wasn't the "adoption deed" scrutinized, when the law unambiguously states that for any adoption to be legal, there must be a court order signed by the magistrate?**

Another paedophile, David Meredith Vagg⁸, shut out the world from his life for an entire week. He did not step out of his house and took no phone calls. This elderly British national and a long running paedophile suspect, was just hoping that the storm would pass by. Vagg is clearly shown as a suspected paedophile in a Goa police document,.

In 2001, the UK government commissioned a top-notch former police investigator, Ric Wood, to map the extent of tourism-related paedophilia in Goa. Over a two-week period, Wood compiled 37 case histories. Nearly half of these cases related to British men.⁹

⁶ From "The Nexus of Silence" screened by a private television channel on August 5, 2004 about paedophilia in Goa based on information from Tehelka Group.

⁷ Profiled in the Tehelka exposé

⁸ Figured by Tehelka

⁹ From the British Government Report, 2001

1.5 OBJECTIVE

Study on Paedophilia is conducted in order to understand sexual abuses faced by children at their very early stage and to understand cause and effect of such abuses on child.

Study is conducted also to create awareness among the local people, who may in turn take collective responsibility of the children. It is the responsibility on different sections of society to play an active role in protecting all children and preventing the abuse of any child. The hotel owners for suspected child prostitution or suspicious adults with minors/children, the photo studios and film developers for any obscene/sexual depictions of children, cyber cafe operators for child porn and related stuff, the police, the tourism department and all those involved in the travel and tourism trade are expected to keep their eyes open and fulfill their tasks sensitive to the situation of any child they may come across in the performance of their duties.

1.6 IMPORTANCE /SCOPE

Over the years, there has been an increase in the number of children who are trafficked and pushed into the flesh trade. Again, the figures of child sexual exploitation vary. According to UNICEF, out of an estimated number of 4 lakh sex workers in India, some 30% are below 16 years of age. However, according to End Child Prostitution and Trafficking (ECPAT)

International, it is estimated that there are 9 million sex workers in India, and some 30%, i.e. 2.7 million are children.¹⁰

One reason for the rise of foreign paedophilia in Goa is that mostly it is the “outside” (migrant) children who are the victims the number of migrants in Goa is estimated at over 400,000, nearly a third of the population, and is growing fast.¹¹ With the onset of the every tourism season, hordes of migrant labor force move into Goa from across the state borders from Karnataka and Maharashtra to do business on the beaches or work at the temporary seasonal shacks. These children are sometimes not accompanied by their parents but come to Goa along with relatives or with some close neighbors, in search of employment in order to escape poverty and hunger.

These underprivileged children are one of the identified groups who are vulnerable children in the context of child labor, child abuse and the commercial sexual exploitation. There seems to be a planned trade in children of poor families from nearby Karnataka and Andhra Pradesh with the agents paying the parents Rs 500 per month for using their sons and daughters in Goa’s beaches.

Many children work selling craft goods and edible produce in shacks on the beach and that is often how they first meet the tourists. The modus operandi of these monsters called paedophiles is based on an important strategy; the children are lured by deceit and not coercion! They are pampered with food items, beer or alcoholic drinks. Some children are attracted by fancy cars and motorcycles that these foreigners dangle before them. They also

¹⁰ From the Paper on Overcoming Violence Against Children by WCC / CCA South Asia Consultation, Colombo, Sri Lanka, 29 – 30 August 2004

¹¹ From the Report on Paedophilia published by Child Rights In Goa in the year 2004.

buy them expensive goods and take them abroad on holidays. They also gift money and buy gifts for their families in return.

In such circumstances awareness on Paedophilia is necessary to tackle issues of child safety at different levels. Such awareness will also help in counseling and rehabilitation of children who have experienced these horrifying and appalling events. So also conducting awareness classes for parents by showing them movies, talking to them about dangers will help in reducing number of cases of this evil.

1.7 HYPOTHESIS

A hypothesis is a tentative statement which expresses the nature or relationship between two or more variables usually in the form of cause-effect relationship... 'Hypo' means less than or under; and 'thesis' means idea or general opinion to be defended by a person and thus "hypothesis" means an idea formed beforehand which has less value than the generally formed view.¹²

Hypothesis is a proposition, condition or principle which is assumed, perhaps without belief, in order to draw out its logical consequences and by this method to test its accord with facts which are known or may be defined.¹³

- i. The importance of hypothesis can be more specifically stated as under:

¹² Legal Research Methodology- by Dr. S. R.Myneni

¹³ Webster's New International Dictionary.

- ii. The formulation of hypothesis provides a study with focus. It tells us with specific aspects of a research problem to investigate.
- iii. As it provides direction to research, it tells us what data to collect and what not to collect, thus preventing the review of irrelevant literature and the collection of useless or excess data.
- iv. As it provides a focus, the construction of a hypothesis enhances objectivity in a study.
- v. A hypothesis serves the function of linking together related facts and information and organizing them into one comprehensible whole.
- vi. It may enable us to add to the formulation of theory and help you to bridge the gaps in the body of knowledge

The Characteristics of Hypothesis:

- a. Hypothesis should be capable of verification
- b. A Hypothesis should be simple, specific and conceptually clear
- c. A hypothesis should be related to the body of knowledge
- d. A Hypothesis should be operationalisable.

TYPES OF HYPOTHESIS

P. V. Young¹⁴ has divided hypothesis into three broad categories:

UNIFORM: Uniform hypothesis relate to the existence of empirical uniformities.

COMPLEX- The complex types are concerned with complex ideal type. They aim at testing the existence of logically desired relationships between empirical uniformities.

¹⁴ Cited in Legal Research Methodology, by Shipra Agarwal, Allahabad Law Agency ,first edition 2003, pg no.81

ANALYTIC: The Analytic hypothesis deals with the relationship of analytic variables. They are aimed at finding out the relationship between changes in one property leading to changes in another.

Another classification divides Hypothesis into-

NULL HYPOTHESIS: The Hypothesis may be classified as hypothesis stating relationship and hypothesis which study the existence of no relationship between variables or null hypothesis. When a hypothesis is constructed stipulating that there is no difference between the two situations, groups, outcomes, on the prevalence of a condition or phenomenon, this is called a Null Hypothesis and is usually written as H_0 . A crude Null Hypothesis is one which is at low level of abstraction and it does not lead to higher theoretical research. A refined hypothesis is one which has more significance in research.

HYPOTHESIS OF DIFFERENCE : A hypothesis in which a researcher stipulates that there will be a difference but does not specify the magnitude is called a hypothesis of difference.

HYPOTHESIS OF POINT – PREVALENCE: A hypothesis in which a researcher stipulates that there will be a difference and knows also the magnitude is called a hypothesis of Point-prevalence.

HYPOTHESIS OF ASSOCIATION: Any type of hypothesis, including a null hypothesis, can become the basis of an inquiry. When a Null Hypothesis becomes the basis of an investigation, it becomes a research hypothesis.

SOURCES OF HYPOTHESIS

Goode and Hatt¹⁵ have given the following sources of Hypothesis:

- a. A General Culture: The general pattern of culture helps not only to formulate a hypothesis, but also to guide its trend.
- b. Scientific theory- Theory gives us the basic idea of what has been found to be correct and the knowledge of theory leads us to form further generalizations and these generalizations form the part of the hypothesis.
- c. Analogies- Sometimes a hypothesis is formed from the analogy. A similarity between the phenomenon is observed and hypothesis is formed to test whether the two phenomenon are similar in any other respect.
- d. Personal Experience-Hypothesis is formulated according to the way in which an individual reacts to culture, science and analogy. The facts will be true but the hypothesis may be formulated when a rightful individual sees it in a rightful perspective

The Researcher has done following Hypothesis:

- Increase in tourism has caused the increase in cases of Paedophilia.

¹⁵ Cited in Legal Research Methodology, by Shipra Agarwal, Allahabad Law Agency ,first edition 2003, pg no.83

1.8 LIMITATIONS OF STUDY

- Since there are too many tourists spots in Goa, The researcher may for the purpose of study may restrict itself to some particular places only.
- There is no accurate record maintained with respect children from neighboring states visiting Goa every year especially in tourist season.
- The research talks about child sexual abuse by tourists or any elderly people in whom they repose trust i.e. it covers the offence by only certain section of people

LEGAL REGIME

INDIAN LAWS

The Constitution of India¹⁶ has, in several provisions, including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47, imposed on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected

The laws dealing with sexual offences do not specifically address child sexual abuse. It is disconcerting but true, the **India Penal Code, 1860** does not recognize Child abuse. Only rape and sodomy can lead to criminal conviction. Anything less than rape, as defined by the law, amounts to 'outraging the modesty'. These laws are problematic when applied to adult women, but they are even more difficult when applied to children. While sec. 376 IPC seeks to provide women redress against rape, it is rarely interpreted to cover the broad range of sexual abuses [particularly of children] that actually takes place. The word 'rape' is too specific, this does not include abuse on 'boys'; moreover, 'intercourse' is often interpreted to mean with an 'adult'. So also with regard to section 377 of the IPC, it is doubtful whether all cases of child sexual abuse will be included under the definition.

Most of these forms of abuse are sought to be covered under sec. 354 of the Indian Penal Code as a violation of a woman's modesty. Offences under Sec. 354 of the IPC is a cognizable offence but is also bailable, which allows foreigners to simply leave the country before prosecutions begin. While Andhra Pradesh, by a state amendment, has made the offence cognizable, non-bailable and to be tried by a court of session [where the minimum

¹⁶ The Constitutional Law of India, by Dr. J. N. Pandey, 47th edition, pg no. 133,406,409,410.

punishment is imprisonment for 7 years, and a fine], other states have not followed. What is also lacking is a central law on the subject.

The Juvenile Justice (Care & Protection Of Children) Act, 2000¹⁷ was amended and rewritten in 2000, but it makes no attempt to identify sexual abuse on children. Sec. 23 of the Act deals with assault, exposes, willful neglect, mental and physical suffering, for which imprisonment for a term of just 6 months is prescribed.

Sec. 5 of the **Immoral Traffic Prevention Act, 1956** prescribes punishment of not less than 7 years for inducing a child into prostitution, but does not directly address child abuse.

The Goa Children's Act, 2003 (Goa Act No.18 of 2003)

With sexual abuse of children becoming increasingly associated with the tourism trade, Goa formed a model law i.e. The Goa Children's Act 2003.¹⁸ The Goa Children Act 2003 is legislation against child sexual abuse, especially those related to tourism. The Act came into force on 8/7/2003. The legislation has specifically made any such cases of abuse non-bailable offences under section 2 (a) of the Criminal Procedure Code, 1973. The fines and jail terms are also severe Rs 100,000 with imprisonment between one to three years for sexual assault and incest, and Rs 200,000 with seven to 10 years jail term in case of a grave sexual assault.¹⁹ The setting up of a Children's Court to try all offences against children is a bold step prescribed by this law. A child-friendly court will help to minimize the double trauma

¹⁷ Act No. 56 OF 2000 [30th December, 2000]

¹⁸ (**Goa Act No.18 of 2003**) published in Official Gazette (Extraordinary No. 5), Series I, No. 15, dated 14-7-2003. The Act came into force on 8-7-2003

¹⁹ Section 8 (2) of The Goa Children's Act, 2003.

that abused children are subject to in courts, which even adults find awesome and terrifying.²⁰

The Goa Children's Act is unusual because it does not merely recommend punitive measures against offenders. Instead, in dealing with child sexual abuse it attempts to place responsibility on different sections of society to play a role in protecting all children and preventing the abuse of any child. The hotel owners, the photo studios, cyber cafe operators, the police, the tourism department and all those involved in the travel and tourism trade are expected to keep their eyes open and fulfill their duties, sensitive to the situation of any child they may come across in the performance of their duties. Moreover, it also seeks to establish child-friendly court procedures, which will help to ensure that children are able to give evidence without being in the presence of the perpetrators of the crime.

In order to make clutches of the Goa Children's Act more strong, the said Act was amended in the year 2005, thereby increasing the fine amount as well as including separate punishment for Grave Sexual Offences etc.

Children's Court²¹. — (1) The State Government shall, after consultation with the High Court, by Notification in the Official Gazette, constitute a Children's Court for the State of Goa.

²⁰ Sections 28 to 32 of the Goa Children Act, 2003.

²¹ Section 27 of GCA 2003

Powers of the Children’s Court²². — (1) The Children’s Court shall have all the

Powers of—

(a) The Court of Sessions under the Code of Criminal Procedure, 1973 (2 of 1974);

(b) A Civil Court for the purpose of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, and administering oath and recording evidence.

²² Section 31 GCA 2003

SAMPLING DESIGN FOR LEGAL RESEARCH

The primary purpose of the legal research is to discover principles that have universal applications. For this, the data has to be collected and analyzed. There are two methods of Data Collection:

CENSUS METHOD- When the whole area or population is contacted, the method is known as Census method. If the size of the units of the study is small one, census method is generally used to collect data.

SAMPLING METHOD- When a small group is selected as representative of the whole, it is known as Sample Method “It is a smaller representation of large whole.”²³

MERITS OF SAMPLING

Saving of time, less expensive, detailed study, Administrative convenience, Impossibility of use of the Census Method, Scientific base etc.

DEMERITS OF SAMPLING

Chances of bias, Need of Specialized knowledge, Difficulties in sticking to sample, Less Accuracy, Impossibility of sampling.

²³ Cited in Legal Research Methodology, by Shipra Agarwal, Allahabad Law Agency ,first edition 2003, pg no.105

PROCEDURE TO SELECT SAMPLE

- (i) Preparation of Source list
- (ii) Deciding the sampling unit
- (iii) Selecting the sampling techniques

TYPES OF SAMPLING

(I) **PROBABILITY SAMPLING**- In this method it is possible to state in advance the probability that any given unit will be included in the sample. Once such a probability model is set up, a mechanical procedure is devised to select elements from the population.

(a) Random Sampling- It is the form applied when the method of selection assures each individual or element in universe on equal chance of being chosen.

Methods of drawing Random sample are Lottery method, Random numbers, selection from sequential list, Grid system etc.

(b) Systematic Sampling- It requires that the population be accurately listed in such a way that each element of the population can be uniquely identified by its order.

(c) Stratified Sampling- In this method the population is first divided into a number of strata based on same characteristics, such as age, sex, educational level etc. and then a simple random is taken from each stratum and such samples are brought together to form the total sample.

(d) Cluster sampling or Sub-sampling- A sampling procedure in which the sampling unit is a cluster of elements and after selecting a sample clusters, information is collected on each element in the sampled clusters.

(II) NON-PROBABILITY SAMPLING – In this technique sample is not based on the probability with which a unit can enter the sample but by other consideration such as common sense, experience, intention and expertise of the sampler. The main defect of such samples is that they are biased samples. The following techniques represent the non-probability sampling:

(a) Representative sampling, (b) Judgment sampling, (c) Accident sampling and (d) Purposive sampling.

(III) QUOTA SAMPLING- In this method both stratification and judgment is used. In this type, samples of prefixed size are taken from each stratum of the universe using judgment sampling method

❖ The researcher for the purpose of its study will use Sampling Method.

METHODS OR TECHNIQUE OF LEGAL STUDIES

A method is the way of approaching a problem. The truth involved in a problem can be found only by following systematic steps. The type of steps to be applied depends largely on the object sought to be achieved and the nature of the study. Hence every science has its methodology, so is the legal studies. Thus, by legal method, we mean 'essential techniques of law study'.

Techniques are different from methods. Techniques are merely means and differ as per nature of the subjects. They are the way of collecting data. Most of the techniques are repetitive and routine and require mechanical skill on the part of a researcher. Methods on the other hand relate to research as a whole from the beginning to the end. A method stands independently and its nature remains the same throughout.

OBSERVATION METHOD

Observation is an accurate watching and noting of the phenomena as they occur in nature with regard to the cause and effect or mutual relations.

In socio-legal research, one of the most important and extensively used methods is observation. It is both most primitive and the most modern method of study. Generally observational technique is adopted for testing hypothesis where structured methods cannot be employed.

TYPES OF OBSERVATION

A. **Uncontrolled and controlled observation-** In uncontrolled observation, observation is made in the natural surroundings and the activities are performed in their usual course without being influenced or guided by an external force. The observer visits the place of occurrence of phenomenon in order to observe. However in Controlled Observation, controls are imposed on the observation or on the object. The following are a few control devices generally used in the controlled observation:

Preparation of a detailed observation plan.

- (b) Use of observational schedules.
- (c) Use of mechanical appliances like Photos, tape-recorders etc.
- (d) Use of Hypothesis
- (e) Use of Socio-metric Scales
- (f) Use of Control Groups
- (g) Use of team observations.

B. **Participant and Non-Participant Observation-** In participant observation, the investigator actually participates in the activities of the group under investigation. The researcher associates himself with the group under investigation. Whereas in Non-participant Observation observer does not actually participates in the activities of the group, but simply observes them from a distance. In this type although the observer associates himself with the group physically he keeps aloof from its activities which he observes the phenomenon as it occurs passively. They are called as “Quasi-participant observations” or “partial participate observations”.

C. **Structured and unstructured Observation-** In structured observation the units to be observed are carefully defined, information to be collected is recorded, the source of data is selected and the conditions of observation are standardized. It is used mostly in studies designed to provide systematic description or to test casual hypothesis. Whereas the unstructured observation is exactly the opposite of structured observation. In this type of observation, the observer does not know in advance which aspects of the situation will prove relevant. The observer's understanding is likely to change as he proceeds.

D. **Intra-Subjective and Inter-Subjective Observation-** The test of intra-subjectivity (or reliability) is that repeated observations of a constant phenomenon by the same observer will yield constant data while the test of inter-subjectivity consists of finding that repeated observant of a constant phenomenon by different observers yield constant data.

INTERVIEW METHOD (SCHEDULE METHOD)-The interview is the oldest and most often used device for obtaining information among human beings. As a data gathering technique, it is a verbal method of securing data. It is a conversation with a purpose. It is a face to face interpersonal role situation in which one person (interviewer) asks the person being interviewed (the respondent). Interview may classified into various types such as Structured interview, Unstructured interview, Focused interview, Repetitive interview, the clinical interview, The non-directive interview and the depth interview.

SCHEDULES- are used as tools to elicit information in structured interviews. The schedule is the form containing some questions or blank tables which are to be filled by the workers after getting information from the informant. There are various kinds of Schedules such as Observation schedule; Rating schedules document schedules and interview schedules.

QUESTIONNAIRE METHOD- Questionnaire method is one of the most suitable methods for the investigation of socio legal problems. Tool of Questionnaire is used for collecting data from large, diverse, varied and scattered persons from different places. Questionnaire is a list of questions to be answered by a group of people, especially to get facts or information about their views. Questionnaires can also be divided into structured and unstructured questionnaires. Structured questionnaires may be further divided into closed form and open-end questionnaires.

SURVEY METHOD- The literal meaning of survey is to see over something from a high place. The term is used for technique of investigation by direct observation of a phenomena or collection of information. Surveys are categorized into four kinds; they are (i) General and Specific surveys, (ii) Regular and adhoc survey, (iii) Preliminary and Final Survey and (iv) Census and sample survey.

There are basically two types of survey (i) Interview survey, (ii) Questionnaire Survey (iii) telephone interview (iv) Group Survey, and (v) Panel Survey.

CASE STUDY METHOD- This study is more suitable for the study of a fewer persons and to find out the root cause for a particular problem. It is the oldest method and was introduced by Fredric Le Play in social scientific Investigation.

PROJECT TECHNIQUE METHOD- The observation, interview and case study methods depend upon the willingness and participation of the respondents. At times, the respondents may be unwilling to discuss controversial topics. They may not like to express their opinion or views due to fear. To get the desired data under such unfavourable conditions, indirect techniques have been devised. Project Technique is one of such indirect techniques of data collection.

CONTENT ANALYSIS - In content analysis, the research procedures involve of books, magazines, newspaper, radio programmes, T.V. Serials etc. for analysis and this in turn is used to test hypothesis.

CAUSE AND EFFECT ANALYSIS (CASUALITY) - Causality means the principle that nothing can happen without a cause and it is related to the relation of cause and effect. One of the objectives of research is finding the cause for the existence of the problem. So in this method the researcher has to establish the cause and effect relationship.

- ❖ The researcher in his study will use Observation, questionnaire, Interview and Case study method.
- ❖ For the purpose of Observation method researcher will visit and observe tourists places, majority beach area.
- ❖ For the purpose of Questionnaire and Interview method researcher will consult NGO groups, President of Children Court, Advocates, Police personnel acting on the Tourist Places, hotel, shack owners, waiters in the beach area.
- ❖ The Researcher may ask following questions
 - a. In your opinion is there any increase in children (migrants) arriving in Goa for tourist season?
 - b. At any time have you ever come across any situation wherein you have seen any foreigner offering any valuable or any other item to these migrants or any other children?.
 - c. How many cases of child sexual abuses are registered and have been disposed per year?

DATA COLLECTION

Collection of data is regarded as fascinating phase of research. Through the collection and handling of information, the researcher begins to feel the actual excitement of research. A researcher can either collect the data himself or rely on others for their collected data or information available with them.

A datum is what is observed, is manifest or phenotypical. Data is socio-legal studies, as in other sciences are based on our sense-observations. In data collection, a stimulus (questions, tests, pictures or other objects) is presented to the respondent (subject). The stimuli may be classified as systematic stimuli and unsystematic stimuli. By systematic stimuli we mean those that are kept constant while objects are changed. The unsystematic stimuli are those which lack standardization. E.g. questions asked in informal interviews.

The settings for the collection of data may be classified as (i) informal, (ii) formal unstructured and (iii) formal structured.

The main forms of data collection responses can be presented in the following break-down table setting

| SETTINGS | RESPONSES | | |
|---------------------|-------------------------|-------------------------|--------------------------------|
| | Non-verbal | Oral-verbal | Written-verbal |
| Formal | Participant observation | Conversations | Letters, articles, Biographies |
| Formal unstructured | Systematic Observation | Unstructured interviews | Open-ended Questionnaires |
| Formal Structured | Experiments | Structured interviews | Structured Questionnaires |

Data collection is related to (i) Primary and secondary Sources of data, (ii) Census and sampling techniques, and (iii) Methods of Data collection.

The methods of data collections are: (i) Observation Schedule, (ii) Interview Schedules, (iii) Questionnaires, (iv) Project techniques and case study methods.

PRIMARY AND SECONDARY SOURCES OF DATA COLLECTION

Primary or field source or internal source of data- It is original information collected for the first time. It is also called as internal source of data as the data is collected directly from the subjects. This primary source can again be sub-divided into:

(a) Direct primary sources- The researcher personally goes and observes events, things, behavior, activities and so on. Observation can be of three sub-types: (i) Participant observation, (ii) non-participant observation, and (iii) quasi-participant observation. Direct observation is the best, but difficult. In some cases, it may be either legally inadmissible or physically impossible.

(b) Indirect primary: As the researcher cannot observe things which occurred long back, he needs to contact those persons who have made observations relevant to his research. This can be done through interviews, questionnaires or schedules.

Secondary or external sources of Data- This information is obtained from outside, either a published source or someone else who has already worked on the subject. They can be broadly divided into two types: (a) Personal documents, which consists of life histories, diaries, letters, memories and (b) Published documents which come from public bodies, government and private organizations. This category also includes Books available in libraries, records, published statistics, reports of newspapers and journals with special report, film or T. V. Programme, tapes and so on.

- ❖ The researcher will opt for primary source for data collection by way of Interviewing Judges, hotel owners etc.
- ❖ The researcher will also opt for Secondary source by referring to books articles and reports on paedophilia.

ANALYSIS AND FINDINGS

After the data have been collected, the researcher shifts his attention to their analysis. Analysis of data may be considered as having a reference to the process of viewing the data in the light of the hypothesis or research question as also the prevailing theories and drawing conclusions that will make some contribution in the matter of theory formulation or modification.

The stages of analysis are:²⁴

- (i) Use of non-qualified data, determination, formulation and conceptualization.
- (ii) Preparation of a tentative Classificatory scheme; (iii) The application of categories to the raw data through coding (iv) the tabulation of responses (v) statistical analysis of data (vi) drawing of inference about casual relation (vii) interpretation.

(A) STATISTICAL ANALYSIS OF DATA

In order to estimate the reliability of generalizations to the populations from the data, statistical methods are useful. The statistical methods that are used to summarize the obtained data are called as descriptive statistics, whereas the statistical methods utilized in making and evaluating generalizations from the data are known as sampling statistics.

²⁴ As per Claire Sellitz and Stuart Cook Cited in Legal Research Methodology, by Shipra Agarwal, Allahabad Law Agency ,first edition 2003, pg no.215

(B) PICTORIAL ANALYSIS OF DATA

Tabulation of Data- Putting in a tabular form in such a manner that the variable are so arranged so as to enable the application of statistical techniques to them.

(a) Line Graph- This is a plot of one variable against another in a set of axis (namely 'X' axis and 'Y' axis) in such a way that the reader gets a pictorial image of the relationship.

Eg. To show growth in cases of paedophilia in recent years.

(b) Pie Chart- basically used for distribution of entities wherein a subtotal of all constitutes the whole.

(c) Frequency Polygon- Frequency is founded and it is plotted against the variable in the set of axis.

(d) Histogram-A frequency Polugon is converted into vertical columns wherein the Para of each column represents the size of the disorder, problem etc.

- ❖ The researcher will adopt Line graph for the purpose of showing increase or decrease in the cases of paedophilia and will also adopt Pie Chart for the purpose of showing percentage among classes of person suffered from the abuse.

CONCLUSIONS AND SUGGESTIONS

Paedophilia does not depend on nationality or relationship. Incestuous paedophilia in Goan families is common, but they prefer to keep a tight lid over it, because talking about it is a shame. Innocent children have thus become easily accessible sexual toys in the hands of paedophiles in the family. Non-incestuous paedophiles most often exploit the socio-economic weaknesses of the parents of their victims. The number of sexually traumatized children by Goan paedophiles may be many, but there is no way to know, because such acts of shame are not openly discussed, nor are such discussions approved and tolerated by Goan society.

In this age of dominant economic globalization and free market forces, children are becoming commodities, and just like any commodity, they are bought, used, and later thrown out, when no longer needed. Societies, which compromise morality for short-term economic gains, ultimately succumb to anarchy and violence. Children will be the worst sufferers, because they are the most vulnerable in society. The fullness of their lives will be snuffed out.

Suggestions

A) It is absolutely necessary to alert government, civil society and concerned citizens to play a more active role in promotion, respect and appreciation of the rights of the child, and thereby to prevent the abuse of children, especially in sexual ways.

B) Government as well as public should take steps for providing care for the abused children, by way of counseling etc. so as to help them regain their lost dignity; and bring them to the fullness of life.

C) Special cells for protection of Child Rights should be placed especially at tourist spots to keep check on such activities.

**“PAEDOPHILIA IS NOT ONLY AN OFFENCE, IT IS ALSO A STATE OF MIND
WHERE THE CULPRIT IS MENTALLY ILL AND THEREFORE THIS MENACE
NEEDS SOCIO-MEDICAL HELP ALONG WITH STATUTORY
IMPLEMENTATION”**

BIBLIOGRAPHY

Books:

- (i) Dr. Myneni R. S- Legal Research methodology, Third Edition 2004, reprint 2006,
- (ii) Agarwal Shipra- Legal Research Methodology, Reprint edition 2009
- (iii) The Goa Children's Act, 2003
- (iv) Indian Penal Code, 1860 (Bare Act)
- (v) The Juvenile Justice Act (Care and Protection of Children) Act, 2000
- (vi) Goode William J, Methods in Social Research, 1952

Websites:

- i. <http://en.wikipedia.org/wiki/Pedophilia>
- ii. www.legalservices.com
- iii. www.indiankanoon.org
- iv. [file:///C:/Users/user/Desktop/New%20folder%20\(3\)/Children%EF%BF%BDs%20Rights%20%20India.htm](file:///C:/Users/user/Desktop/New%20folder%20(3)/Children%EF%BF%BDs%20Rights%20%20India.htm)
- v. [file:///C:/Users/user/Desktop/New%20folder%20\(3\)/Provision%20Under%20Constitution%20of%20India.htm](file:///C:/Users/user/Desktop/New%20folder%20(3)/Provision%20Under%20Constitution%20of%20India.htm)