

The background of the cover is a blue-tinted photograph. It shows a magnifying glass held over a surface with a grid of small circular holes. The lens of the magnifying glass is focused on a single fingerprint, which is clearly visible and appears to be a latent print. The lighting is dramatic, with highlights on the metal and the fingerprint, and deep shadows in the holes and under the magnifying glass.

**CRIMINOLOGY
&
VICTIMOLOGY -
THROUGH THE LOOKING GLASS**

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10. CHILD PROTECTION IN INDIA: ISSUES AND CHALLENGES

MURUGESAN. D & RAMAKRISHNAN.D

Introduction

Reinforcement of Child Protection Practices is an essential need in our country. Particularly the problem Child Abuse is a Universal phenomenon and global issues. While India has about 440 million children; they found more than 40 percent of the population. Each year, 27 million babies are born. (Srivastava RN. (2011) In NarendraSaini, 2013, pp. 302-303). After approximately a decade affected, still the prevalence of child exploitation is an increasing trend in developing countries including India. Children belong to the most vulnerable group in our human society; hence there is a persistent need to protect them not only for their betterment but for the future of the nation. Children are not protected, even in homes. Future generations are going to be evermore polluted because of physical and sexual abuse very common in India. Sometimes emotional blackmails or assaults and sexual exploitation are carried by relatives or powerful people in society. Most can get away, even if any cases are reported. What we need is the change of mindset to protect the weak and vulnerable among us. We have to cherish the next generation with genuine love and spirit of sacrifice. The problem of child abuse raising the question on child protection practices and the resultant human rights violation constitutes the most important item on the international human rights agenda.

Definition of Child Abuse

The World Health Organization Report on the argument on child abuse and Prevention (1999) suggested an altered definition for Child Abuse or maltreatment establish all forms of physical and or emotional abuse, sexual abuse, abandonment or negligent treatment or commercial or other exploitation, resulting in actual or possible harm to the child's health, survival, development or dignity in the situation of an insinuation of responsibility, the trust of power" (Murugesan, D & Ramakrishnan, D, 2019, p.354). 'Child Neglect' is indicated to ensue when there is the failure to provide for the development of the child by their parents/guardian and caretakers. Neglect ensues in one or more area such as: neglect by their health, education, emotional development, nutrition and shelter (NarendraSaini, 2013, pp. 302-303)

The originally used definition is as follows: "Acts or omissions by a caregiver leading to actual or potential damage to health and development and exposure to avoidable suffering to the child". "Child abuse is the acquainted, non-accidental enactments of omission on the part of a parent or other caretaker interacting with a child in his care aimed at hurting, injuring or rejecting that child (Sonia Khanna, 2002, p.11).

Concept of Child Abuse

The UN Congress pronounce that concept of child abuse and neglect or negligence means, the physical and mental harms, sexual abuse and exploitation, neglect or negligent treatment or maltreatment of a child under the age of eighteen years, or age indicated by child safeguard law of the state in question, by the person who is accountable and answerable for the child's welfare, under situations which describes that the child's health or welfare is maltreated or threatened thereby as strong-minded in convention with regulations prescribed" (SusheelaBhan, 1991).

The general concept of 'Child Abuse' may have different meanings in a different cultural setting and socio-economic situations. A Worldwide explanation of child abuse in the Indian context does not exist and has yet to be defined. According to WHO categorized

the children are abused and maltreated by several types such as Physical, Sexual, Emotional Abuse and Neglect or Negligence (MeenakshiBhilwar et al, 2015, pp. 325- 338)

Physical Abuse:

Physical Abuse is the perpetrating of physical injury upon a child. This may include sweltering, thrashing, hitting, shaking, kicking, beating or otherwise harming a child. The parents or caretakers may not have anticipated hurting the child. It may, however, be the consequence of over-discipline or physical punishment that is inappropriate to the child age.

Sexual Abuse

Sexual abuse is unfortunate sexual behavior with a child. It comprises rubbing the child's genitals, making the child massaging the adult's genitals, intercourse, incest, rape, sodomy, exhibitionism, and sexual exploitation. To be measured 'child abuse' these acts have to be involved by a person responsible for the care of a child (for example a babysitter, a parent, or a day-care provider) or related to the child. If a stranger commits these acts, it would be considered sexual assault and handled solely by the police and the criminal courts. (Rufus, et al, 2007, p.7-14).

Emotional Abuse

It includes inadequacy to deliver a developmentally suitable, compassionate environment, including the availability of a major accessory figure so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his potential, and in the context of the society in which the child dwells. There may also be performances to the child that cause or have an extraordinary possibility of causing harm to the child's health or physical, mental, spiritual, more or social development. These activities need to be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts comprise control of activity, customs of belittling, and disparaging, admonishing, intimidating, alarming, discriminating, mocking or other physical forms of aggressive or rejecting treatment. (EENET, Asian New letter, In Rufus et al (2007, p.7-14)).

Neglect

It is the miscarriage to deliver for the child's basic requirements. Neglect can be physical, educational, or emotional. Physical abandonment can be not providing adequate food or clothing, proper medical care, supervision, or proper weather protection (heat or cold). Educational neglect may be the failure to provide suitable schooling or special educational needs, allowing excessive truancies. Emotional neglects incorporate the lack of emotional livelihood and love, never attending to the child, substance abuse comprising allowing the child to participate in drug and alcohol use. (Alankaar Sharma, 2007).

Role of UNICEF on Child Protection Practices

The UNICEF propounded the term 'Child Protection' to denotes to obstructing and answering to violence, exploitation and abusive behavior against children it's including sexual the exploitation of children at commercial sectors, child trafficking, child labor, and destructive customary observes, such as child marriage.

Children are also endangered to violence such as exploitation; abuse and neglect are at risk of death, illness of their physical and mental health, HIV/AIDS infection, illiteracy, disarticulation, deprivation, vagrancy, and lack of parenting skills later in life. UNICEF also preference for Child protection is an issue in every country and a higher priority. (UNICEF India Report on 22nd 2013).

United Nations International Children's Fund (UNICEF), it was formerly called the United Nations Children's Emergency Fund, This fund was to be utilized for the benefit of children

and adolescents of countries which had been victims of offenses without any discrimination. They have been work carefully with national and local governments and other associates around the world. The United Nations has addressed child abuse as a challenge to the human rights issue, adding a segment perfectly to children in the United Nations of Human Rights which states as "Identifying that the child, for the extensive and nourishing progress of his or her personality should allocate up in a family environment, in an atmosphere of 80 happiness, love and sympathetic should be afforded the right to persistence, to develop to the broadest, to protection from harmful influences, abuse and exploitation and etc. (Sarna and Santosh, 2002, p.2)

In India Children are distressing from numerous health difficulties also during their early childhood and even before birth leading to short completed and harmful lives. In our country existing the law also is not sufficient to protect the health of children throughout the country. Besides, everyday man, women, and children are trafficked throughout our nation and across South Asia, with India being the establishment of the nation as well as a transit and boundary point. However, cross-border trafficking is only the tip of the iceberg. There is a substantial degree of trafficking between states within the country. Many of them trafficked are children, infrequently as young as eight years old, or over earlier. Thus, child trafficking is another major problem in India (Sonu, 2010).

ChildLine India Foundation

Childline India Foundation is project supported by the Union Ministry of Women and Child Development, Govt of India. It has co-ordinated with state governments, Non-governmental Organizations, Two-pronged and multidimensional agencies, and also the corporate sector. It is accounting for the formation of childline centers through the country as well as functions as a national center for awareness, advancement, and training on issues related to child protection. Childline 1098 facilities is a 24 hours of free emergency phone outreach service for children in need of care and protection. (Child India Foundation,

Statistics on Child Abuse in India and Worldwide

The World Health Organization (WHO) estimates that worldwide, approximately, one billion children aged between 2 and 17 years have practiced physical, sexual, emotional violence or neglect in the previous year, and cautions that experiencing violence in childhood has an enduring impact on health and wellbeing. In 2012, 9,500 children and youngsters were killed in India, signifying 10% of all children globally and making India the third-largest contributor to child-killing after Nigeria and Brazil (WHO, 2014, Global Health Estimates). In this circumstance, one of the targets of the 2030 agenda for sustainable development is to "end abuse, Mistreatment, trafficking and all customs of violence against and torture of children". (RamyaKannan&PoorvajaSundar, 2018, p 11, 43).

The obtainable statistics on the incidence of child abuse increased from 8,904 in the year 2014 to 14,913 in the year 2015, under the POSCO Act. Sexual offenses and kidnapping amount of 81 % of minors. The State-wise cases registered under the POCSO Act: Uttar Pradesh led the highest number of cases of child abuse (3,078) followed by Madhya Pradesh (1,687 cases), Tamilnadu (1,544 cases), Karnataka (1,480 cases) and Gujarat (1,416 cases). Along with workplace cases, here are other findings of rapists being known to children: 94.8% of rape cases saw children being raped by someone they knew, not strangers. These acquaintances include neighbors (3,149 cases) who were the biggest abusers (35,8%) 10 % of cases saying children being raped by their own direct family members and relatives

In 2016, NCRB statistics reveals that the child is sexually abused every 15 minutes. And also India recorded a statistics that 106 rapes a day and four out of every ten victims were

minors. While, another shocking fact that the 94.6 percent of the cases, the offenders were none other than the victim's relations including brothers, fathers, grandfathers, sons or associates. The report revealed that in the year, 2016, a total of 38,947 cases of rape were registered in the country under the POCSO Act as well as section 376 and other related section of the Indian Penal Code (NCRB Statistics, 2016, In Priyanka, M.K, 2019) Ministry of Women and Child Welfare (2007) published a report on child abuse in India, 52 percent to 60 percent of children who were sexually abused were boys. While, another report published in the year of 2017, some scholars found that boys were simply expected to develop the experience of sexual abuse due to their "superior" gender. This, they expressed, was holding them back from receiving psychiatric help. Prescribed to endure quietly by their own families, it is no admiration that boys and girls alike occasionally hesitate to come forward, and continue to suffer needlessly. This is also what gives offenders the courage to continue (Murugesan, D & Ramakrishnan, D, 2019, p.355).

Current Trends on Child Sexual Abuse

It is a fact that millions of girls and boys universally are being sexually abused within homes and the whole society. Most of them were abused by family members, relatives, and strangers. The offender can be anyone who abuses the child's vulnerability to gain sexual pleasure. It also involves physical, mental and emotional abuse of a child through clear and secret sexual acts, signs and disposition- when informed consent or resistance by the child victim to such action is not possible. It can include actions which do not involve direct touching (David K.Karson et al, 2013).

The sexual abuse of children not only has a harmful and long-lasting impact on the victim. But also affect their entire families, communities, and the whole society. Like any crime that continues to go unchecked. The sexual abuse of children- both within our homes and outside is an issue of serious alarm and openly suggests the health of a society as a whole. (AshaBajpai, 2018)

Other Issues affecting Children in Contemporary Society

Apart from the problem of child abuse, several issues, and challenges affecting the Childhood in India. Poverty is a major problem affecting children through all the ways. Children are entirely dependent on adults and instant community regarding care and protection. An underprivileged family is not anticipated to accomplish the needs of a child and therefore the human rights are either unnoticed or compacted. Child Trafficking, Problems of exclusion in the educational system, children in conflict with the law, Child Labour and child marriages are major problems and issues are also affecting children in the contemporary society (SudhangsuSekharDatta and Kaushik Mukherjee, 2019)

Constitution of India

The initial stage to achieve the rights of children can be found in the Constitution of India. There is some number of articles that address several needs of children as described below. The articles are classified into two categories: Fundamental Rights and Directive Principles of State Policy (ChildlineOnline,n.d.). The right to equality, safeguard of life and personal liberty and the rights against exploitation are enshrined in articles 14, 15, 15(3), 19(1) (a), 21, 21 (a), 23, 24, 39 (e), 39 (f) and reiterate India's commitment to the protection, safety, security, and well-being of all its people including a juvenile (Rufus et al, 2006, p.11)

UN Convention, the Rights of the Child, 1989

The UN Convention on the rights of the child in 1989 is the most an important tool in the history of child rights, which confirmed the convention in 1992. The Constitution guaranteed several rights includes Protective rights: Articles 2, 19.1, 19.2, 32.1, 33, 34, 36

and 37 highlighting on the legal and social necessities that must be made by each country to protect children from maltreatment, substance abuse, sexual abuse, cruelty, separation from parents, discrimination, and the effects of all types of man-made or natural disasters (Murugesan, D & Ramakrishnan, M, 2014, pp. 171-172)

National Legislations and Policies for Children

Moreover, various policies and legislation were articulated in the country to safeguard the child rights and improvement in their status. Under the Indian Penal Code, the following sections are enumerated to control the children from the sexual offense: 1) Obtaining of minor girls by inducement or by force to seduce or have illicit intercourse (Section 366-A). 2) Selling of girls for prostitution (Section 372). 3) Buying girls for prostitution (Section 373). 4) Rape (Section 376). 5) Unnatural Sex (Section 377) (Rufus et al, 2007, p.12). But there is no piece of legislation from the IPC has been enacted to deal exclusively with child abuse in India before the Criminal Law Amendment Ordinance, 2018 (POCSO, 2012), Act strengthening the aim of exclusive prevention of child sexual abuse.

But there is no piece of legislation has been enacted to deal exclusively with child abuse in India. The recent amendment in the POCSO Act, 2012 and Immoral traffic Prevention Act, 1986 have been strengthened their fighting against child abuse.

Role of Government, NGO's and Community Services for Child Protection in India

The government also enacted several legal provisions at national level. These comprised the Juvenile Justice (Care and Protection) Act 2000 (amended in 2006 and recent amendment in 2015), Prohibition of Child Marriage Act (2006), the establishment of the National Commission for Protection of Child Rights (NCPCR) (2005), a National Plan of Action for children (2005), the Child Labour (Prohibition & Regulation) Act, 1986 (two announcements in 2006 & 2008), prolonged the list of excluded and dangerous progressions and employment), Combined Child Protection Scheme (2009) and progressing numerous statutes such as Right to Education Bill (2009) & Prevention of children from Sexual Offences (POCSO Act 2012) to protect, promote and defend child rights in the country. Besides, a large number of NGOs are working in the field of child welfare and child protection. However, because of the enormous numbers of children necessitating protection, their struggles can make only a bordering impact. Even though, they should organize their child welfare accomplishments and need to work together. (Rajeev Seth, 2013, pp.294 – 296).

Importance of Criminal Law Amendment Ordinance, 2018 in POCSO Act, 2012

Under the Protection of Children from Sexual Offences (POCSO) Act, 2012, any sexual activity with a child below 18 years, whether boy or girl is a crime. As defined by the Act, sexual offenses include penetrative sexual assault (Section 3), sexual assault (i.e., non-penetrative) (Section 7), sexual harassment (Section 11), and use of a child for pornography (Section 13). A sexual offense under the Act classified the several types of undesirable and unwanted contact and non-contact behaviors.

The Law ministry of state has cleared a suggestion to amend the Protection of Children from Sexual Offences (POCSO) Act, 2012, for enhancing punishment in cases of sexual assault against young boys. The amendment is essential because of the passage of the Criminal Law (Amendment) Ordinance, 2018, on April 22 which provides for the death penalty only for those convicted of raping a girl below 12 years of age.

Conclusion

This above discussion also attempts to know the basic understanding of child abuse and also try to thorough knowledge about types of abuses against children by their parents, relatives, neighbors and unknown persons. This research paper would be an attempt to give some

suggestion to the parents should participate by voluntarily in the child abuse campaign and they ought to be proposed the protection mechanisms to their children in a child-friendly manner. Besides, the government and all other organizations should be initiated to implement the compulsory free and preliminary education to all. Because the teachers at schools should be taught about 'self-protection mechanism' among the children how to protect from the sexual abuse by helping children participate in their own protection through age-appropriate information, good touch, and bad touch, skills, and self-esteem, as well as the teachers, have to be trained to handle the problematic students through proper guidance and counseling instead of cruel treatment. Apart from that, this article also emphasized the attempts to find the various types of violence against children in the society such as child trafficking, problems of exclusion in the educational system, children in conflict with the law, problems of child labor and child marriage are the major issues and challenges it's also affecting children in contemporary society. In any civilized society in developed countries children are protected by well-structured law and appropriate preventive mechanisms. Apart from that, our state has to enact new code for child rights to go by the U.N. Convention on the Rights of the Child of which India is a signatory. The recent amendment is very essential because of the passage of the Criminal Law (Amendment) Ordinance, 2018 (POCSO Act), which provides for the death penalty only for those who brutally committed raping a girl below 12 years of age.

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Dr. Beulah Shekhar is the Professor & Head of the Department of Criminology and Criminal Justice Sciences, Manonmaniam Sundaranar University and also Co ordinator of the UGC sponsored programs, Victimology & Victim Assistance and The Human rights & Duties Education. She is also the Director, Center for Empowerment & Women's Studies at MSU and the Special Officer, RTI/ CM Cell / Local Fund Audit. She significantly focuses on developing partnerships between researchers, policymakers, program developers, agency personnel, and other community groups. Through these partnerships, she conducts basic and applied research and evaluation in the many different facets of Victimology, Crime, Criminology, Law and Justice. She holds degrees in Womens' Studies, Psychology, Education Management, Human rights, Victimology, Counseling and Law. She serves as research guide and examiner in various Universities and guides M.Sc., M.A. M.Phil & Ph.D Scholars. She is involved in the training of the police & and the judiciary in the concepts of Victimology to fill the gaps in services to victims of crime in the Criminal Justice System in India She has completed five major projects funded by University grants Commission (UGC), Indian Council of Social Science Research (ICSSR) , Bureau of Police Research And Development (BPR&D) and United Kingdom-India Educational Research Initiative (UKIERI) and coordinated funded skill based training programs for the Criminal Justice Professionals all over the country. She has published her research work widely in national and international journals and has been invited to present her research findings in Australia, Hong Kong, Kenya, Japan, U K, Portugal, Switzerland, Indonesia, Taiwan, Canada, Netherlands, Sweden, to mention a few. She was on deputation from the University to the YWCA of India as the National General Secretary, heading 85 local associations all over India. She has served as a member of National Consultations in various reforms and evaluations of the legislation and the working of the Criminal Justice Systems. She was invited as an individual expert at the 12th United Nations Congress on Crime Prevention and Criminal Justice, in Brazil and part of the Delegation of the World Society of Victimology in the Crime Commission at Vienna in May 2011 and the UN preparatory meeting at San Jose, Costa Rica in February in 2014. She was awarded the prestigious Indo-Hungarian fellowship in 2010 and was a visiting researcher at the University of Montreal in 2011. She was also the recipient of the Commonwealth Academic Staff Fellowship 2013- 2014. She is the recipient of the Fulbright Fellowship 2014-2015 has worked in the John Jay College of Criminal Justice, New York from November 2014. She is the recipient of the prestigious awards from the Indian society of Victimology in 2014 and from the Indian Society of Criminology in 2018. She has been invited to organise a panel discussion at the 14th United Nations Congress on Crime Prevention and Criminal Justice held in Kyoto, Japan in April 2020, on the topic, Access to Justice- Initiatives, Involvement, Innovations and Institutional frameworks in India.

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