

**41<sup>st</sup> ALL INDIA CRIMINOLOGY CONFERENCE PROCEEDINGS**

**PREVENTION OF CRIME AND  
CONTROL STRATEGIES IN CONTEMPORARY  
WORLD & WAY FORWARD...**



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## CRIME PREVENTION STRATEGY IN THE PREVALENCE OF CHILD ABUSE IN INDIA

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### Introduction

Child Abuse is one of the most terrible crimes in our modern society; Children are not safe, in homes and also in the whole society such as school, child care institutions, and working places, etc. Many times, child abuse and mistreatment by parents, caretakers, teachers, relatives, employers and also the strangers. Generally, child abuse is three major types such as Physical abuse, Sexual Abuse and Verbal abuse. Sometimes emotional blackmails, assaults and sexual exploitation are carried by the relatives of powerful peoples in the society. Most can get away, even if cases are reported. What we need is the change of mindset to protect the weak and vulnerable among us. Therefore, it is highly needed to protect them for the betterment of their future life. We have to nurture the next generation with genuine love and spirit of sacrifice. The problem of child abuse and the resultant human rights violation constitute the most important item on the international human rights agenda. (Rufus D et al, 2007)

### Definition of Child Abuse

There are many definitions of child abuse. 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 unnecessary suffering to the child". "Child abuse is the intentional, non-accidental acts of omission on the part of a parent or other caretaker interacting with a child in his care aimed at hurting, injuring or destroying that child (Sonia Khanna, 2002, p.11).

The UN Congress declare that term child abuse and neglect means, the physical and mental injuries, sexual abuse and exploitation, negligent treatment or maltreatment of a child under the age of eighteen, or age specified by child protection law of the state in question, by person who is responsible for the child's welfare, under circumstances which indicates that the child's health or welfare is maltreated or endangered thereby as determined in covenant with regulations prescribed" (Susheela Bhan, 1991).

The World Health Organization Report on the consultation on child abuse and Prevention (1999) proposed a modified definition for Child Abuse or maltreatment constitute all forms of physical and or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, the trust of power".

### The Role of International Organizations

The United Nations International Children's Fund (UNICEF), It was 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 hostilities without discrimination. They work closely with national and local governments and other partners around the world. The United Nations has addressed child abuse as a human rights issue, addition a section exactly to children in the United Nations of Human Rights which states as "Identifying that the child, for the full and tuneful growth of his or her personality, should grow up in a family environment, in an atmosphere of 80 happiness, love and sympathetic should be afforded the right to survival, to develop to the fullest,

to protection from harmful influences, abuse and exploitation and etc. (Sarna and Santosh, 2002, p.2) International NGO Council on Violence against Children also one leading worldwide organization working for support strong and effective follow-up to the UN Study on Violence against Children. As well as many worldwide and national wide organization working for children issues and protection from the abuses.

### **Childline India Foundation**

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

### **Child Abuse in India**

Enormous child population in India among them a large percentage of this is vulnerable to abuse, exploitation, and neglect. But there is insufficient information about the extent of child abuse in India. Barring a few periodic studies, with inadequate opportunity, the attempt to understand the different forms and enormosity of child abuse across the country has inadequate. The information only annually published by National Crime Records Bureau The look at the data maintained by NCRB Shows that: 1) there is a record of only those crimes which can be register under the IPC or other criminal acts, corporal punishments, use of children for creation of pornography, exposure etc. are not reflected in NCRB data as they are not offenses under the IPC. 2) There is a cross under-reporting of crime against children, which in itself is suggestive of the low priority accorded to children by parents, caregivers and the police. Recently reported cases, in which the police did not even lodge First Information Report (FIR) of missing children is indicative of this. The government, which has the onerous task of implementing constitutional and statutory provisions, is concerned about the lack of data in this area. It was employed that country needs both legislation as well as large scale interventions to deal with the increasing incidence of child abuse.

### **Objectives of the Study**

This present paper has the following objectives connection with child abuse. 1) To find out the comprehensive understanding about the concept of phenomenon of child abuse, 2) To sensitize the public awareness about serious danger of prevalence of child abuse especially child sexual abuse in the society 3) To know the national and international legal safeguards protect the children from all types of abuse, 4) To suggest the preventive mechanism to protect the children from all types of abuse.

The 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:

### **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 parent or caretaker may not have intended to hurt the child. It may, however, be the result 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 includes fondling the child's genitals, making the child fondling 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 daycare 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)

### **Emotional Abuse**

It includes failure to provide a developmentally suitable, supportive environment, including the availability of a primary attachment 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 acts towards the child that cause or have a high probability 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 include restriction of movement, patterns of belittling, and denigrating, scape-goating, threatening, scaring, discriminating, ridiculing or other physical forms of hostile or rejecting treatment. (EENET, Asian New letter, 2007).

### **Neglect**

It is the failure to provide for the child's basic needs. Neglect can be physical, educational, or emotional. Physical abandonment can be not providing adequate food or clothing, appropriate 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. Psychological neglects include the lack of emotional support and love, never attending to the child, substance abuse including allowing the child to participate in drug and alcohol use. (Alankaar Sharma, 2007).

### **Child Abuse Statistics in India**

The available statistics on the occurrence 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 POSCO 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 cases, the perpetrators were none other than the victim's relatives including brothers, fathers, grandfathers, sons or acquaintances. The report showed that in the year, 2016, a total of 38,947 cases of rape were registered in the country under POSCO Act as well as section 376 and other related section of the Indian Penal Code.

SAARC convention on preventions and combating trafficking in women and children for prostitution emphasizes that the evil of trafficking in women and children for the purpose of prostitution is unharmonious with the dignity and honor of human beings and is a violation of basic human rights of women and children.

Constitution of India guarantees to all the citizens of India: such as the right to equality, protection of life and personal liberty and the right 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 wellbeing of all its people, including children.

### UN Convention on the Rights of the Child, 1989

The UN Convention on the rights of the child in 1989, is the most important instrument in the history of child rights, which confirmed the convention in 1992. The four major articles pertaining to child sexual offence and neglect in the convention are: Article 3: Protect the best interests of Children; Article 19; Protect the children from all customs of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parents, legal guardians or any other person in whose care they are; Article 34 undertake to protect children from all forms of sexual exploitation and sexual abuse; and Article 35; Take all appropriate national, consensual and multi-lateral actions to prevent the abduction of, sale of or traffic in children for any purpose or in any form. (L.Kacker (IAS).

### National Policies and Legislations addressing child sexual victims

The major policies and legislation formulated in the country to ensure child rights and improvement in their status are:

1) National Policy for children, 1974 2) Report of the committee on prostitution, Child prostitutes and children of prostitutes and plan of Action to Combat Trafficking and commercial sexual Exploitation of women and children, 1998 3) National charter for children, 2004- Underlying the National charter for children, 2004, is the intent to protect for every child the right to a strong and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider social context to protect the children from all form of abuse, while strengthening the family, society and the nation. This charter has the following sections on child protection: 4) National Plan of Action for children, 2005. (CIIF, NISD & UNICEF, 2000)

### Related National Acts/Legislations

#### The Indian Penal Code

Under the Indian Penal Code the following sections are enumerated to curb the children from abuse: 1) Exposure and Abandonment: Crime against Children by parents or others to expose or to leave them with the intention of abandonment (section, 317), 2) Kidnapping for extortion (Section, 360), Kidnapping from lawful guardianship (Sec, 361), Kidnapping for ransom (Sec, 363), Kidnapping for begging (363- A), Kidnapping to compel for marriage (Sec 366), Kidnapping for Slavery etc.(Sec 367), Procurement 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) and etc.

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

### Conclusion

This paper is an attempt to enhance the general public understanding of the occurrence of child abuse in our modern society. This problem is a major evil which totally affects child growth, development and personality. The International conventions and declarations also ensure that the right of the children and also protect the children from all the violence and evils from them by their parents, caretakers, employers, and strangers in the society. The various limitation in the national legislation and policy measures to dealing with the prevention of child abuse before the new amendment in Prevention of Child Sexual Offences Act, 2012 (POCSO ACT) The government statistics clearly indicates that occurrence of child abuse also ever increasing compare than previous years statistics towards the rate of child abuse. This data reveals that the majority of the offenses committed by caretakers, relatives, neighbor other than unknown persons. In mainstream society in developed countries child are protected from structured laws and guidelines and moreover some control mechanism such as state level stake holders to protect mainstream children. Since these

mainstream societies are struggling the child related abuses, trafficking and so on. This study is an attempt to find the various issues related to children and to find the availability of protective mechanism within the community. Even the lot of effect modification in the national and international legislation in favor of children, even constantly increasing the incidence of abuse being reported and many children do not express their incidence of abuse against them with fear on threatening by perpetrators. Therefore what we have to do is creating awareness to the public to protect our future generation from being abused. The government, NGOs, academicians, doctors, social activists, and media organizations should create awareness among the parents and children about the possibilities of being abused.

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- Immoral Traffic Prevention Act, 1986
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