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## Child Abuse in India

*Simran Chadha*

Student of B.A. L.L.B. (Hons) ,Law College Dehradun,Uttaranchal University, India

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### 1 INTRODUCTION

India is the largest country with child population in the world and approximately, 19% of all the children around the world live in India. As the society is changing and evolving the children need a safe haven in order to thrive. In India, the children are provided with rights: fundamental as well as legal, as the people understand the need for protection development and care of such children. It is the duty of the legal system to come up with policies, schemes and objectives for the development children.

Although, many actions have been taken for the development of children with the help of various acts and amending some acts, but still the condition of the children has not been much improved in the past couple of years. Even after so many years of Independence, the children still remain the most vulnerable section of the society. Many governments have come and gone and initiated various reforms regarding upliftment of the condition of children and the standards of their living but even after all that the children are still being abused, exploited and abandoned across India.

Among all of this,Child Abuse is found out to be the most common challenge in the present conditions.The main cause behind child abuse is found out to be in in the poor sections of society that are ridden with poverty and the children become victims of domestic violence and substance abuse as well as illiteracy.

#### Concept of Child Abuse

Child abuse is basically defined as any kind of act committed by an individual (can be adult or child) or negligence or failures on the part of the individual to complete that act, which results in extreme threat to life of a child and hinders the development of the child leading to psycho-social impacts as well as physical impact on the child's health and their well-being in the long run.

This sort of act on negligence can lead to harming the dignity, development and survival of a child. This harm is caused due to children being put through psychological, sexualand emotional exploitation. It is often observed that children generally have been put through this kind of behaviour by their own family including their parents, relatives as well as caretakers.

Child abuse is not just the national issue but also a global issue. This issue has been highly underestimated over the past couple of years. The problem of child abuse has been taken up by many governments along with many NGOs but there is a lot of denial regarding this issue among the general population. Child abuse is a kind of problem that can happen anywhere and anytime to any child. It can happen when they are in the care of their caregivers, inside of foster care institutions, schools, playgrounds, social networking sites and even their homes are not safe from abuse. The impact of such abuse on the children is long lasting and it hampers the child's ability to develop in a better manner. The children are usually called the assets of a country and such assets should not be abused as it would completely nullify the children as being useful assets to the country.

Therefore it is of extreme importance that child abuse should be studied and an approach should be established so that its impact on the lives of children is extremely decreased.Child abuse does not solely mean that the child is being physically harmed. It also includes threatening a child and neglecting a child. When a child is abused inside his or her own home by the child's parents, then it will be called domestic violence. But it is not necessary that a child will be violated inside the home. Children can be sometimes abused by other adults like their teachers or coaches. Abuse on children is not always intentional. Sometimes the abuser does not realise that he is abusing the child as in some cases the caregiver of the child is no longer able to care for the child which leads to frustration which further leads to abuse.

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### 2 CLASSIFICATI ON OF CHILD ABUSE

When a child is abused, that child has to face consequences that would be physical and emotional harm caused to the child. These consequences remain the same for every child who is a victim of abuse but the types of abuses that the child has to go through is different for each child and it is very important to study and know the different kinds of abuses in order to have a proper idearegarding a solution to stop or decrease that abuse.

#### 1 Physical Child Abuse –

Physical child abuse basically leads to physical harm that is inflicted upon a child by a parent or a guardian, or any person who is in a position of authority or power over the child. The injuries that are inflicted upon a child result in abuse even if the intention of the person or the act done by that person was not to cause harm to the child. Physical abuse generally comprises of some particular incidents or actions, such as bullying by a person of authority towards the child, beating or hitting a child excessively and without a reason. Excessive punishments also come under the category of child abuse. If a parent or a guardian leaves a child in an undignified posture, it will also be counted as child abuse. Parent or the guardian is also not allowed to make the child work forcefully and under harsh conditions. If they do so, it will also be considered as child abuse. Signs that help in identifying and determining that a child is being abused are bruises and welts on the body of the child that the parent or the guardian has no reasonable explanation for and behaviour of the child being fearful and shy.

### **2 Emotional Child Abuse–**

Emotional abuse basically means includes a specific pattern of behaviour which would result in hampering of the emotional development of the child. The Child Protection System, which is in play currently, considers emotional child abuse to be a major challenge. Children that are diagnosed with other forms of child abuse also mostly include emotional abuse as well. Emotional abuse basically occurs in a child when the child is either isolated or excluded from various situations, that the child should be a part of. When a child is left out from a situation like not allowed to play with his or her siblings or not allowed to go outside and play due to any number of reasons, it hampers the ability of the child to grow emotionally and eventually becomes a victim of emotional abuse. Another situation which can lead to emotional abuse of a child is traumatizing the child. Any sort of behaviour on the part of parents or guardians or caretakers that would lead a child to be traumatized will lead to emotional abuse. There are some cases where the children are not provided with a supportive environment which leads to the child being very insecure about himself and is left feeling emotionally drained. Having a supportive environment and supporting family members is extremely important for the emotional development of the child. In cases where the caregivers' attitude is wrong towards the child and they are not equipped to cater to the emotional needs of the child, it will also be a cause of emotional abuse of the child. Some cases have also been seen where the child has been emotionally abused through being blackmailed into doing some sort of at that the child is not comfortable doing. Some signs that can help in determining if the child has been going through emotional abuse include the child being extremely shy and fearful in a normal environment, and anti-social behaviour of the child. If the child starts to avoid people and social situations, the child may be going through or might have gone through emotional abuse. Children who have been through some kind of emotional abuse also behave in extremes. They either are way too happy about something or sometimes way too sad or way too angry. There is no emotion in between. Children going through emotional abuse start behaving inappropriately. They do not act like the children their age usually act.

### **3 Sexual Child Abuse –**

Basic definition of Sexual Child Abuse is an act of involving a child into an act that is sexual in nature which the child does not fully understand and approves of. The child who is being sexually abused does not understand or know that he or she is being included in a sexual activity and because the child is completely uninformed and not yet developed to understand the sexual activity, it means that the child is unable to give an informed consent. Sexual child abuse is divided into two types of categories that are contact sexual abuse and non-contact sexual abuse. Contact sexual abuse would include activities such as raping the child, incest forced upon a child and sexual exploitation of the child's body. In cases where child is forced to touch the genital areas of another individual, it would also amount to sexual child abuse. Any sort of intercourse, be it vaginal or anal, will be considered as contact sexual child abuse. Coming onto the non-contact sexual child abuse. It includes acts like virtual sexual activity that the child is a part of, hurtful sexual remarks made for the child, child being exposed to pornography and online solicitation of the child. Some of the signs to identify the child is being or has been sexually abused are behavioural signs like the child behaving inappropriate to his or her age and showing interest in sexual acts. Such behaviours can also include acts like being seductive or displaying unusual behaviour, acting either very passive or really aggressive. Another set of signs that help in identifying sexual child abuse are physical signs such as the genital areas of the child being bloody, swollen or bruised. The child may also have problem standing or sitting and can also have underclothes that are torn. Sometimes the sexual child abuse can also be observed by the behaviour of the caregiver. For instance, if the caregiver is being too controlling with the child and the caregiver allows very limited contact of the child with other children, it can mean that the child is being sexually abused.

### **4 Neglect –**

Another form of abuse that the children have to go through is neglect. Basically, neglect comprises of acts that involve depriving the child of proper food, clothing, shelter, medical care as well as education. Neglect is the kind of abuse that involves more of doing nothing, unlike the above mentioned abuses that are more active in nature. Children abused by neglect mainly comprises of acts like not attending to care for the child, failing to protect the child from being harmed, inability to provide much needed nutrition to the child for his or her development and failing to keep a track of the child's progress.

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## **3 CONSTITUTIONAL PROVISIONS RELEVANT TO CHILD ABUSE**

The constitution makers of independent India had a vision regarding the future of children of the country and according to that vision, their main objective was to make sure that the children grow and develop beautifully and be protected. They also kept in mind about the upliftment of children from their backward conditions so that the survival rate of children increases and the mortality rate of children because of malnutrition decreases from the country. Thus, the makers of the constitution mainly focused on making basic provisions that would safeguard the rights of the children of nation and they also guided the State to proceed in the similar manner and protect the rights of children.

There are four main objectives that a child must fulfil in order to live a full life and that are development, survival, protection and participation. Indian Constitution is comprised of various provisions that direct the state to make sure that the children are living with their dignity and sustainability and provisions are being made for their welfare.

### **3.1 Fundamental Rights –**

Article 14 of the Indian Constitution ensures equality before law. According to this article all the children, men and women shall be treated equally in the eyes of law. A child who is a victim of abuse shall not be treated differently in the eyes of law. In cases where two children have been victims to the same kind of abuse, their cases will be tried similarly. Some things may be different if the facts and circumstances of the case are different but the legal procedure will remain the same.

Article 15 of the Constitution says that there shall be no discrimination on any basis between two people. This article also includes children and according to this article, there should be no discrimination between the children in the eyes of law. Children should not be discriminated by other children or adults. Discriminating one child from another can lead to signs emotional abuse in the child. Article 15 also directs the State to make special provisions regarding the welfare of women and children.

Article 21A provides for the mandatory free education given to all children by the State till the child completes 14 years of age. Compulsory and free education is to be provided to all children. This article also provides that every child has the right to live a life of dignity and it is the right of every child to get adequate nutrition and shelter in order to develop in a healthy manner.

Article 23 talks about prohibition of human trafficking and forced labour. Children, specially girls, are usually the victims of human trafficking and so it is the duty of the State to make provisions that would prohibit the act of human trafficking. It is the right of every child, under this Article, to act against forced labour. If the child is being made to work forcefully in harsh conditions, it is the right of the child to deny or not continue the labour.

Article 24 prohibits children who are under the age of 14 years, being employed in factories or mines or other hazardous work environments.

### **3.2 Directive Principles of State Policy –**

Article 39(e) of the Indian Constitution directs the State to make sure that the children who are of a tender age are not being abused and exploited. It also directs the State to make sure that the health and strength of the children are being looked after and not exploited.

Article 39(f) of the Constitution directs the State to make sure that the children are being given all sorts of facilities and provided with different kinds of opportunities so that the children can develop in a healthy manner. This article also directs the state to make sure that the children are living a life of dignity and their childhood and youth period is free from any kind of exploitation and abandonment.

Article 45 gives the State a duty to make sure that the children are being provided with early childhood care and education for all children till the children complete the age of six years.

### **3.3 Other Provisions –**

Article 51A-(k) of the Constitution provides that it is a fundamental duty of the citizens of the country who are parents or guardians to make sure that the children are being provided with opportunities for education for the children who are between the ages of 6 and 14 years.

Article 243(g) read with Schedule 11 says that child care can be institutionalised by approaching proper programs that work for the development of women and children and the formation of a Panchayat that would work for the welfare of children.

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## **4 CONCLUSION**

There is a clear increase in crimes and abuse against children, and this kind of abuse leads to effects on the overall growth and development of the child as well as development of the nation as the children as called as the ‘Assets of Nation’ and if the assets are not properly developed, the nation as well cannot develop.

There is a difference between the types of abuses that different children face in the Indian Society as mentioned in the article, it is also highlighted that it is urgent and extremely necessary to bring reforms in this sector of the society. This research has given an observation that when a child is abused, it not only decreases the child's ability to develop, but also hinders the procedure of socialisation of the child. It is highly necessary to wake the society up in order to protect the children and enhance their childhood. This would allow the children to be a part of the Nation's evolution and the children can also be a part of the innovation process that the nation takes part in. This would also lead to greater good of the civilization of the world.