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A Detailed Study on Child Abuse in India

CVML RISHITA¹ AND SAI ANANYA MYSORE²

ABSTRACT

“Children are like buds in a garden and should be carefully nurtured, as they are the future of the nation and the citizens of tomorrow”, said Jawaharlal Nehru. But children tend to face many challenges from their early stages themselves, with respect to livelihood, education, discrimination and maltreatment, irrespective of caste, creed, gender, religion or identity. Such psychological, sexual or physical maltreatment of a child amounts to child abuse. This has been rooted in economic, cultural and social practices and is found all over the world, and different jurisdictions have given different definitions as to this very term.

There are many types of abuses against children due to which they are being affected in numerous ways. That being said, the person who abuses/ the abuser is called the perpetrator of the abuse. The Indian Penal Code, 1860 and the Prevention of Children from Sexual Offences Act, 2012, are two of the major substantial Indian laws that define punishments for offences against children. Currently, the National Commission for Protection of Child Rights and the Child Welfare Committee look after children who are in need of protection and care.

This paper examines the research studies available with regard to child abuse. It introduces the topic, followed by literature review, methodology used throughout the research, questions to be covered and discussion of child abuse in detail through headings and subheadings. The current paper would stress the point that failure to recognise the abuse and treat the abuser at nascent stages might lead to potential harm to the victim, that she/he has to suffer for their entire life. In lieu of the same, the researchers opine that enactment of stringent regulations as well as the implementation of laws might pave the way to provide quality and peaceful life to a child.

I. INTRODUCTION

India is the most secure and protective country, like many other countries in the world. The country is home to many children and is said to have the ‘largest child population’ in the world. Previously in the olden days, the children (both boys and girls) were to be treated as slaves in the houses. They were not even provided with minimum amenities such as proper education,

¹ Author is a student at Symbiosis Law School Hyderabad, India.

² Author is a student at Symbiosis Law School Hyderabad, India.

security etc., from their childhood and were only sent to work to earn their livelihood. The children also came across many sexual and physical cases of abuse in their homes and outside. In India, the children in the country are protected with a lot of security and safety by introducing acts, amendments, policies and Rights under the Constitution.

There are many crimes and acts against people, especially women and children nowadays, such as sex trafficking, child pornography etc. Apart from these, the children in rural and urban areas are facing mental and physical abuse against them. “Child Abuse is defined as any kind of activity caused by anyone that results in life threat of a child and on the child’s health and well-being.”³ In rural areas, the parents are uneducated and lack knowledge of these kinds of issues; the situation is also the same in the urban even after the parents are well educated and settled. These kinds of abuses against child creates a lot of impact on their life and future.

The “child abuse can be actual or potential harm to a child’s survival, dignity, development and socialisation arising out of sexual, physical, emotional or psychological maltreatment or exploitation. This can be caused by any of the close people in the family, i.e., parents, guardians, relatives etc.”⁴ The children are mistreated not only in homes and also at many public places such as schools, workplaces etc. These days it has become the major concern and issue of many people. Even though there are many acts policies to protect the children from these kinds of acts against them, there is no proper solution. Many governments and child welfare organisations took a stand to find a solution, but they failed to do so, and still, the children are fighting against these issues in society.

(A) Literature review

In the article “*Child Abuse in India: An empirical report on perceptions*” written by Uma A. Segal, it was stated that this study sought to assess perceptions of child abuse by Indian nationals. Comparisons between social workers, other human service professionals, and those not involved in human services fields revealed that there was negligible variation in perceptions of the severity of different forms of abuse. Cross-cultural comparisons with a U.S. study indicated some differences in perceptions. It was also concluded that in India and many other countries, this act of child abuse is still the major threat to many children.”⁵ The article limits its study only to the comparison of the studies of various workers and organisations. It did not mention the causes and impact of child abuse in the country.

³ Pfohl, S. J, *The discovery of child abuse*, SOCIAL PROBLEMS, 24(3), 310-323 (1977).

⁴ McCloskey, Terence J, *Child Abuse*, JOURNAL OF JUVENILE LAW, 47(4), 6-7, (1978).

⁵ Segal, U. A, *Child abuse in India: An empirical report on perceptions*, CHILD ABUSE & NEGLECT, 16(6), 887-908, (1992).

In the article “*Child abuse in India*” written by Dr. Mohammad Reza Iravani, it has been mentioned that there is very little research done in this area in India, and only a few books have been written, keeping the subject even further from the consciousness of the country. Fortunately, the issue of child sexual abuse is slowly becoming a more recognised issue, and for this reason, this paper will focus much on sexual abuse against minor children: the laws, victims, and perpetrators. Finally, in this study, an analysis of the aspects of Indian culture that make this issue particularly difficult to understand and cope with has been discussed.”⁶This article is only limited to sexual abuse against children, whereas all the other types are not discussed.

In the article “*Child abuse and Neglect in India*” written by Rajeev Seth, it is stated that the main purpose of this article is to provide an overview of child abuse and neglect from a medical assessment to a socio-legal perspective in India.”⁷ A child who is the victim of the act of child abuse reports to the doctors and health care professionals as they are the first and only medium of contact. They are the people who should identify that the child has gone through some pain and had been across some abuse against them. They should take immediate action and treat the child from grave danger with respect to health. The article referred to the reports of doctors and health care professionals, whereas the general aspect of the issue of child abuse has not been discussed in detail.

In the article “*Child Abuse in India: Current Issues and Research*” written by David K. Carson, Foster, J. M., & Tripathi, N., the author states about the various data statistics as to the children who had faced various kinds of abuses in their childhood. One of such studies says that, based on lengthy interviews, it has been reported that 30 per cent of men and 40 per cent of women remember having been sexually molested during childhood-defining “molestation” as actual genital contact, not just exposure.”⁸ The main focus of this article is on child sexual abuse in the country and also discusses the steps and measures to prevent it. The article concludes by including some implications of counsellors who have been treating the children who faced various kinds of abuses in their life. The article limits only to only discussing the current issues of child abuse. It did not cover the various acts and policies provided to the children who are the victims of child abuse.

⁶ Iravani, M. R, *Child abuse in India*, ASIAN SOCIAL SCIENCE, 7(3), 150-153 (2011).

⁷ Seth, R, *Child abuse and neglect in India*, THE INDIAN JOURNAL OF PEDIATRICS, 82(8), 707-714 (2015).

⁸ Carson, D. K., Foster, J. M., & Tripathi, N, *Child sexual abuse in India: Current issues and research*, PSYCHOLOGICAL STUDIES, 58(3), 318-325, (2013).

(B) Research methodology

The researcher employed the Doctrinal methodology of research. This has been employed from the Doctrinal form of Research Methodology to understand the concept of Child Abuse and its impact on society in a clear way. Doctrinal Research, also known as Armchair research, is a form of research in which the researcher obtains the information within the four walls of the library. This means that the information needed for doctrinal research is obtained by the researcher mainly from the books, articles, journals, other websites etc.

(C) Research questions

The researcher in this study deals with the following questions.,

- What are the various kinds of mental and physical abuses against a child in India?
- What kind of policies and programs are available to children to protect and safeguard them against abuses?
- What is the impact of the cruel act of child abuse on the society in the country?
- What are the different causes and reasons for various kinds of abuse against a child in society?

II. CLASSIFICATION OF CHILD ABUSE

The act of Child Abuse has been classified into various types depending on its occurrence and effect on the child. This has been classified and discussed in detail below, which are:

- **Physical abuse**

This kind of abuse means which involves force or contact with the body of the other person, i.e., using physical force or using any other force of animals against them such as dogs to cause pain, harm etc. This is done in order to control or to create a kind of fear in the victim so that victim will be under the control of that particular person. “Some kind of abusers will make sure that they inflict the physical injury to parts of the body not normally seen such as the torso rather than risk leaving marks on the body of the victim. Physical abuse also involves treating the person in such a manner that the person suffers from ill health, giving punishments which are excessive in nature, bullying etc.”⁹

In Physical abuse, the domination or the control lies completely in the hands of the abuser. The injuries caused by the physical abuse on the person’s body are enough in order to consider it as a kind of abuse but whereas the intention of the person is not necessary. The punishment for

⁹ Jai Prakash @ Prakash v. State of Rajasthan, 2006 (3) WLC 544.

physical abuse is given for a period of five years or more and also imposes a fine of up to five lakhs under Juvenile Justice Act. The punishment also differs from act to act.

- **Emotional abuse**

This kind of Emotional abuse can be of verbal or no verbal form. In this type of abuse, the parent or the guardians of the child does not pay much attention to the child, and they also torture the child by not providing him with any of his basic needs. The abuse does not touch the child or beat him or torture him physically, but the child is tortured in a very indirect manner. Sometimes, this emotional abuse acts as a base for any other kind of abuse. The abuser tortures the child by keeping the child in isolation, by not giving any kind of protective environment to the child etc.

In Emotional abuse, it can be identified by various actions and changes in the child, such as uncontrolled fear, constant mood swings, objectionable and offensive behaviour in private and public places. “The emotional abuse is done in such a way that the spouse keeps the victim in the situation that he would gain an advantage by his abusive behaviour over the victim. Due to the emotional abuse done by the victim’s spouse, the self-esteem confidence breaks down. This is done due to the cruel mentality of the victim’s spouse with an aim to gain some advantage on the victim.”¹⁰

- **Sexual abuse**

Sexual abuse generally means forcefully engaging the person in any kind of sexual activity. It is the abuse of unwanted sexual comments or advances, acts of traffic, which is directed against a person’s sexuality using coercion. Apart from the sexual act, if a person is forcefully verbal pressured in engaging in any kind of sexual activity, then it is also termed as sexual abuse. The child is involved in such a way in the sexual act that the child does not know about the act fully and give his part of the consent. “This Sexual abuse is further classified into two types such as Contac and Non-Contact Type. The Contact type of abuse is physically touching or causing any kind of sexual act physically. At the same time, the Non-Contact type is where the child is tortured mentally by virtue of online sex and solicitation, voyeurism etc. The abuser blackmails the child for money or for any kind of benefit.”¹¹

III. POLICIES AND PROGRAMS TO PREVENT CHILD ABUSE

The act of Child Abuse has been the current and most vulnerable issue happening against

¹⁰ Sakshi v. Union of India, (2004) 5 SCC 518

¹¹ Bolen, R. M., & Scannapieco, M, *Prevalence of child sexual abuse: A corrective metanalysis*, SOCIAL SERVICE REVIEW, 73(3), 281-313 (1999).

children for many years. At times it has been reporting very high cases, and there has been no guarantee for the welfare and protection of children. Therefore, in order to tackle this issue of child abuse, there are several policies and programs implemented by the state in order to safeguard the welfare of the children.¹²

- **National policy for children, 1974**

The Government of India, for the first time, launched this policy in the year 1974 to safeguard the child in all aspects. The main objectives of this policy are that it gives to the states regarding the education of the child and also ensures that all the fundamental rights of the child are implemented in a proper manner. The policy has been framed in such a way all the children, both male and female, should be getting equal protection in all aspects as it acknowledges the children as an asset of the country.

- **National charter for children, 2003**

This is a comprehensive document that has an aim to secure the rights of a child, i.e., the Right to be a child and enjoy a happy, healthy childhood. It has the power to direct the state and address the society to create a positive and friendly atmosphere so that a child brought up there has healthy, safe life in the country. It also directs to provide bright education to all the children and ensures to provide equal education to all irrespective of male or female. The ultimate goal is to maintain a violence-free country and also lead the citizens to be productive human beings to the nation.

- **National child protection policy, 2009**

This policy was introduced in the year 2009. The main objective to frame this policy is to protect the child from any kind of abuse violence against them. “This creates safeguards which are provided under the Constitution of India, child-centric legislation, international treaties, other existing policies etc., for child protection and welfare.” The idea for introducing this policy is to reduce child abuse cases and create awareness to everyone, individually and all together, about their responsibility to create a safe environment for all the children in every nook and corner of India.

- **Child-line services**

Child-Line Services is a special program launched by the government. It is a service specially designed to help children who are in great danger and distress. If a child is in an emergency of any kind of abuse against them and there is no chance to seek help from anywhere, then this is

¹² S.Aranganathan v. The Inspector of Police, (2015) SCC OnLine Mad 4527.

the helpline where the government takes immediate, accurate action and protects the child. The main head of this program is “Childline India Foundation”. They run this program without any barriers with a team of people who are specially appointed for this. The response for this program is ultimate, and for the past many years, it has received many calls of issues concerning abandoned children who are left on roads, protection from different kinds of abuse etc.

IV. ROOT CAUSES OF CHILD ABUSE

In India, along with growing infrastructure and technology, the crime rate is also increasing day by day. The various kinds of acts such as rape, abuse etc., against women, children etc., are at the peaks. “These days, the act of child abuse against the children from an adolescent to an adult has been the major issue in the country which is derogatory and alarming in the all forms of social institutions.”¹³ The child can be influenced in a very superficial manner as they are persons of pure soul who trust everyone around them. There are various reasons on the part of the abuser, child to cause for the act of child abuse to take place.

According to the Abuser, the cause of the child abuse by them is that they were not brought up in a proper environment and they were also the victims of the abuse in their early stage of life, and there is also no one to control and put them in a right track. These people may also be addicts of drugs, alcohol or any such kind of leads which are the root causes for such people to harm others in a brutal manner. The abuser may also be a parent, caretaker, teacher etc. There is a social pattern in society that the only way in order to keep the child in a disciplined manner is to use physical force, which is ultimately the cause of child abuse. Some parents in the home treat and abuse the children physically and mentally as they show frustration as they believe that the children are the root cause for all the problems they face in their life. The parents who are not having a healthy relationship with them also treat their children in a brutal manner by abusing them.

According to the Child, the birth if he/she is born with a defect (mentally/physically), then they may not bring up in a proper environment, and also other people annoy them, which is also a type of abuse. Sometimes the child, because of the defect in them, cannot even react or respond properly when a person abuses them, which is also an advantage to the abuser. There are also many cases where adolescents are also the victims of child abuse because they do not have the ability to fight back or react when the abuser behaves brutally against them. Another main root cause of child abuse in the country is “Gender Inequality”. There is a differentiation shown

¹³ Ney, P. G., Fung, T., & Wickett, A. R., *Causes of child abuse and neglect*, THE CANADIAN JOURNAL OF PSYCHIATRY, 37(6), 401-405 (1992).

between them on the basis of sex which is also ultimately a kind of abuse against the child.

V. IMPACT OF CHILD ABUSE

The positive acts that take place in the country do not spread and show much effect on the people but whereas the negative acts spread faster and show a great impact on society. The crime rate in India is very high as compared to other countries in the world. The crimes against women and children are alarming. One such kind of crime against children is Child Abuse. The most affected people in the act of child abuse are the children. They are affected mentally, physically, emotionally, which ultimately results in the past, present and future life. "The impact of child abuse is not only over the abused child; contemporary findings show that soaring levels of child abuse have dreadful repercussions on the country's economy as well over a stretched period of time."¹⁴

The child who is the victim of the child abuse gets mentally and behaviourally more affected. The child after the act of abuse may not trust anyone (develop trust issues on people), the habits of the child also get affected like the eating and sleep timings may change, the child may also not concentrate on the academics, his day-to-day activities, may always sit alone and develops a mental trauma in himself which makes him weaker as a person. The child overall loses self-esteem confidence in himself. There is also a physical impact on the child when it generally happens in physical or sexual abuse against the child. This kind of abuse against a child leads to sexually transmitted diseases bodily injuries, affecting the relationships with other people in their life, committing suicides & developing various other health problems.

VI. CONCLUSION

India is said to be a democratic country, but all the people do not even have an equal chance to speak and express their issues in society. The victims of the crimes such as rape, abuse etc., are not delivered with proper justice. The study clearly indicates that there is an increase in the cases of child abuse as it provides the reasons, its impact on society and on the victim's life. The study mainly focused on the detailed analysis of the classification of child abuse and draws a conclusion that even though there are a lot of reforms, acts and policies against child abuse in the country, there is not much change in the crime rate of child abuse and there is also need to bring lot more provisions regarding this act of child abuse against children.

Society should also give support to the victims who are prone to abuses rather than humiliating

¹⁴ Starr, R., & Wolfe, D. A. (Eds.), *The effects of child abuse and neglect: Issues and research*, GUILFORD PRESS, (1991).

them and ruining their life. Therefore, a standard act has to be proposed that covers all the aspects related to the children, which in turn creates uniformity and control over the various issues against the children in the country. The child welfare organisations should also act as a backbone to the child and ensure that every child in the country is growing in a positive atmosphere from their childhood. There should also be a change in the judicial system dealing with the act of Child Abuse such that the magistrate should also depend on the sociological interpretation of the law rather than continue to rigidly stick only to legal precedents. This creates a stronger society in the future with a low crime rate.

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