

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 1

2024

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Bridging Gaps in Child Protection: An In-Depth Analysis of Stakeholder Awareness and Response to Familial Child Abuse

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ABSTRACT

This research paper discusses the pervasive problem of familial youth abuse in India, offering an insightful examination of stakeholder awareness and action. Stressing an interdisciplinary approach, it discusses parents, law practitioners, law enforcers, child welfare committees, psychologists, and social workers roles against child abuse. Exemplifying on the definitions of abuse defined across the globe, such as that which is provided by WHO, the paper discusses the unique interpretation of an abuse that is centered on the family background. It calls for a consolidated approach of constraining legal action such as the POCSO Act and education and throughout services to shield the children. By emphasizing the significance of an early intervention while promoting a secure setting, the research brings to light collective accountability in protecting child safeguarding. This research tried to unified call to all societal sectors to act, engage and participate in a strategy of child abuse address and mitigate the underlying issues that lead to decreased child development thus making the children to have a safe environment of living, growth and development.

Keywords: *Familial Child Abuse, Child Abuse Awareness, Child Protection Laws, Child Welfare System, Psychological Support.*

I. INTRODUCTION

The universal problem of ²child abuse and neglect within families in India warrants a comprehensive societal response that consolidates the legal, social, and psychological approaches to protect children, the most vulnerable members of our society. The objective of this research paper is to analyze stakeholder acuity and reaction towards rehabilitation of a child when the abuse is assumed familial in nature suggesting an integrated enlightened approach to such long-standing ailment. Because of millions of abused children every year, the demand for efficient solutions is clearly seen.

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² Rajeev Seth, Child Abuse and Neglect in India, NIH, Indian J Pediatr. 82. 8, 707–714

The key to this analysis is the identification of various functions orchestrated by stakeholders namely parents, guardians, police officials, advocates, child welfare committees, psychologists and social workers. They have a crucial role to prevent, identify and come up with strategies to deal with the child abuse and neglect; hence the importance of a system that does the same favor of protecting the children.

The International Society for the Prevention of Child Abuse and Neglect finds that definitions are similar in 58 countries and the ³WHO's definition includes physical and/or emotional maltreatment, sexual assault, neglect, negligent treatment, and exploitation leading to harm to the child's health, survival, development, or dignity. This broad definition of child abuse provides a starting point for our discussion targeting mostly the child caregiver acts that cause harm to the child including physical abuse, sexual abuse, emotional abuse, and neglect.

The dichotomy between the behaviours and their effects, in addition to the purpose behind these acts, shows a rather complicated system for understanding child molestation. Such modifications also apply to neglect and emotional abuse which harm a child through an unintended harmful act by a caregiver, abuse inside an institution and the subtle forms of emotional abuse or anger which adversely affect. ⁴Such a complex nature requires an all-round approach that includes legal frameworks such as India's Protection of Children from Sexual Offences (POCSO) Act, 2012, to be integrated in a coordinated way with societal/ familial efforts to create an atmosphere of protection, care and well-being for the children.

Through an intensively based analysis, this paper hopes to bridge the knowledge and action gap between actors to promote harmonised responses that targets the symptoms and cause of kinship child abuse. The goal is the increased stakeholder consciousness, improved prevention strategies and collective response aimed at the protection of rights and welfare of children, making the overall contribution to the fight of the society against this serious problem.

(A) Literature Review

The literature review illustrates a complex issue that spans legal, social, and public health domains. Despite significant legislative strides, challenges remain in implementation, awareness, and the incorporation of child participation in preventive strategies. Continued research, policy innovation, and public health interventions are critical to addressing these challenges and ensuring the safety and well-being of children in India. It is given as under:

³ Kosher, H. and Ben-Arieh, Children's participation: A new role for children in the field of child maltreatment. *Child abuse & neglect*, 110, 104429

⁴ Alex Young, Child Abuse and its Protection measures & a Biblical Response, *ACADEMIA*, 10, 154-156

(A) Prevalence and Impact of Child Abuse in India:

- Seth's work (Indian J Pediatr. 82. 8, 707–714) highlights the prevalence of child abuse and neglect in India, providing a foundational understanding of the issue's scope.
- Trivedi (J Prev Med Hyg, 62 3, 160-162) discuss the profound impact of adverse childhood experiences on mental health, emphasizing the need for urgent public health interventions.

(B) Legal and Policy Frameworks:

- Legal cases such as *Vinod Kumar v. State of Kerala* and *Seema v. Ashwani Kumar* alongside constitutional articles (21, 24, 23) reflect India's legal stance on protecting children's rights and welfare.
- Legislation like the Protection of Children from Sexual Offences Act, 2012, as critically examined by Ranjan, shows the government's efforts to create robust protection mechanisms for child victims.

(C) Children's Participation in Child Maltreatment Prevention:

Kosher and Ben-Arieh (Child abuse & neglect, 110, 104429) introduce the concept of children's participation as a novel approach to combat child maltreatment, suggesting that empowering children can be a crucial part of the solution.

(D) Statistical and Case Study Insights

- Anant's statistical appraisal (Children in India 2012- A Statistical Appraisal, MoSPI) offers a comprehensive view of the demographic and social context within which child abuse occurs.
- Mir's commentary in the Times Of India provides a contemporary look at the effectiveness of Indian laws in protecting children, pointing out gaps and suggesting improvements.

(E) Restorative Justice and Legal Reform

- The discussion by Subarsyah and Achmad on restorative justice (Pena Justisia: Media Komunikasi dan Kajian Hukum, 22,1) points towards alternative approaches in the juvenile justice system that focus on rehabilitation rather than punishment.
- The legal cases and amendments to the Indian Penal Code reflect ongoing efforts to strengthen legal protections for children against abuse and exploitation.

II. COMBATING CHILD ABUSE: A MULTIDISCIPLINARY APPROACH

While child abuse and its most disturbing face – child neglect occurs on a wide scale both across the society and within families, only a concerted response will suffice to curb this act happening everyday in India. The subject of this response is a multidimensional answer based on the legal, social, and psychological measures protecting the most vulnerable members of society—children. Statistics pointing to millions of children being affected each year further confirm the need for a systematically coordinated response.⁵ This framework encompasses the collaborative efforts of parents and guardians, legal professionals, law enforcement, child welfare committees, psychologists, and social workers, each playing a pivotal role in addressing and mitigating the impact of child abuse and neglect. These are elaborated as under:

(A) Parents and Guardians

Child abuse and neglect is unfortunately a more common phenomenon than desired and requires urgent replies from parents and guardians amidst a better knowledge of the matter at hand. Approximately 4 million child abuse and negligence cases are reported each year with almost⁶ 7 million children involved; thus, the importance of parental attention requires no further emphasis. It is the children under 3 years, especially the infants who are most susceptible, offering a particularly critical opportunity for preventive and interventional models that are therefore dependent on early and rather progressive detection. On the physical abuse of a child by a parent, referred to in⁷ *Vinod Kumar v. State of Kerala (2014)* by the Supreme Court, highlights the legal implications of such acts and the responsibility of a parent in providing a safe environment for children. The court's judgment further established that the parents' rights were limited by the best interests of the child; therefore, one should be cognizant of such child protection laws.

Neglect is reported more than other types of child maltreatment such as physical and sexual abuse which are often intertwined.⁸ Research suggests that one per 20 children tend to suffer from physical maltreatment with sexual abuse affecting a quarter of girls and a tenth of boys before they attain the age of maturity.⁹ Significantly, more than 90% of victims of sexual abuse know their abusers which highlights the part of familial and intimate relations in the risk structure of such abuse. Quite relevant is the case of *Stuti v. Union of India & Others, 2012*

⁵ Trivedi GY, Pillai N, Trivedi RG, Adverse Childhood Experiences & mental health - the urgent need for public health intervention in India, *J Prev Med Hyg*, 62 3, 160-162

⁶ T.C.A Anant, *Children in India 2012- A Statistical Appraisal*, MoSPI

⁷ *Vinod Kumar v. State of Kerala (2014)* 3 AJR, 79

⁸ Anant, *supra* 5

⁹ *Ibid*

where a minor girl in the negligence and abuse within the family environment was brought into the picture. The High Court intervention underscored the urgency of child welfare measures and introduction of immediate legal actions for the protection of those children at risk stressing the general responsibility of parents and guardians for the safety and development of their children. What is more, neglect, including neglects in meeting primary needs, emotional care, medical treatment, or education besides physical abuse and emotional abuse, suggest a wider range of mishandling to which parents need to pay great attention to. Grievances that increase the likelihood of abuse include parental psychological problems, drugs, domestic violence, the inconveniences of poverty, and young parenting.

It is not that easy to identify abuse, because many of the children may not reveal their worries due to fear of blame, and even worse, disbelief. Physical factors and physical abuse changes are proof of abuse, but they do not mean alone that it was a case of abuse. A prompt intervention is an essential factor; the longer abuse continues, the deeper its effect on a child's physiological and psychological formation.

The necessity of parent education and support is obvious. A global understanding of child abuse legislations including the ¹⁰India's Act Protection of Children from Sexual Offences (POCSO), 2012 combined with knowledge of physical and behavioural evidence connected with child abuse is the hallmark of proactive prevention. Further, promoting rounded communication within the family and educating children on issues of safety and consent are fundamental steps which lead to the development of a safe environment.

Preventing child abuse also includes factors such as parental stress, isolation and frustration which can be managed through support networks and education resources. Specific attention should be given to parents who have been abused themselves to prevent another generation from getting beaten by applying the same negative methods they have received. There are the awareness programs, national helpline for children-generated by the government, and community training and workshops to support societal efforts against child abuse.

In addition, the legal and ¹¹societal structure in India comprising POCSO and both government and NGO initiatives provides strong ground upon which to address child abuse. Nevertheless, the accuracy of these efforts depends on the parenting and guardian's proactive involvement. With the help of parents' self-educating on the laws, perceiving abuse signs and guaranteeing a safe and communicative family environment parents could decrease significantly the possibility

¹⁰ Ranjan, R, Critical Study of the Protection Mechanism of the Victims Envisaged in the Protection of Children from Sexual offences Act, 2012.

¹¹ Ibid

of child abuse and join the combat against this terrible problem over the whole society.

In the case of ¹²*Seema v. Ashwani Kumar (2018)*; it was a child custody wherein there were allegations of neglect and abuse by a mother and the welfare of the child was heard and best interests of the child determined by court. The choice gives credence to the legal concept that child welfare is paramount; thus, parents and caregivers must have heightened senses detecting the welfare of their children seen and unseen.

Also, children are at risk of abuse within families which is shown by the case *Priya Patel v. State of Gujarat (2016)*, where the court took an individual sensitive approach to the claims of sexual abuses against children, thereby realizing the fact that protective measures were very important to the lives of children which is the central core of the justice system. It also focused on the importance of being in the environment where the youngsters can speak to break with above board disgrace, stressing that guardians and monitors have to foster a climate where kids trust and feel secure talking about.

(B) Police Officials, Juvenile Officers, and Advocates

¹³Article 21 A of the Constitution of India ensures fundamental commitment of child rights including the right to basic education for each child. Further, ¹⁴Article 24 of the constitution protects children from hazardous employment and ¹⁵Article 23 provides safeguards against exploitation in child rights. ¹⁶These constitutional assurances, however, form the foundation of the legal remedy India offers to child sexual abuse and exploitation.

One of the major cases that brought the intervention of the Supreme court on the matter of child labour, especially in hazardous industries was the ¹⁷*MC Mehta v State of Tamil Nadu (1996)*. The judgment not only rested in the provisions of the constitution against child labour but also forced the creation of a welfare fund to educate children who have been affected by child labour. This case points to a broader understanding of the legal system and taking direct actions in the children's rights, guaranteeing safety and education.

The POCSO Act, 2012, becomes the platform for the essence of addressing cases of child sexual abuse to a child-friendly legal process. It guarantees respect to the child during the trial and

¹² *Seema v. Ashwani Kumar (2018) 2 CTC, 481*

¹³ Constitution of India; art. 21

¹⁴ Constitution of India; art. 24

¹⁵ Constitution of India; art. 23

¹⁶ Suhaib Rafi Mir, Protecting our Children: A look at current Indian laws on child abuse, Times Of India, (Feb 12, 2023, 17:20 IST), <https://timesofindia.indiatimes.com/readersblog/personal-blog-of-suhaib-rafi-mir/protecting-our-children-a-look-at-current-indian-laws-on-child-abuse-50378/>

¹⁷ *MC Mehta v State of Tamil Nadu (1996) 6 SCC, 756*

preserves his dignity as well as privacy marking an important stage in addressing the issues of child abuse in legal terms. In the case ¹⁸*Ramesh Dalal v. Union of India (2005)*, the Supreme Court upheld a strong opposition to the issue of child marriage, highlighting effective enforcement of such as the Prohibition of Child Marriage Act, 2006. The Court's directions that should deter child marriages clearly show that the Court actively safeguards children from child abuse and guarantees that their rights are preserved. Likewise, ¹⁹The Juvenile Justice (Care and Protection of Children) Act, 2015, offers an extensive structure for the care and protection of children in conflict with the law and the children in need of care and protection which focuses on rehabilitation and social reintegration as major objectives.

IPC provides remedy for physical abuse of children through various sections which provide punishment for cruelty (²⁰Section 75 and ²¹76), desertion (²²Section 317), and sexual offences against minors (²³Section 366A, ²⁴372 and ²⁵373) These legal provisions highlight the importance which is given by the legal system of India to the crimes that are committed on the innocent little children and the perpetrators are the ones who would be brought in the spotlight.

In addition, the Right to Education Act, 2009, demands free and obligatory education for children from 6-14 years as the state part is whether it and locates in guaranteeing educating sufferers for each younger person. Not only this act is aimed at preventing abuse by keeping the children in a protective educational setting but also highlights the importance of education as a basic human right.

²⁶This interplay amongst these constitutional provisions, acts, and the work role of law enforcers and child welfare personnel implies an integrated approach in the identification and protection of children in India. Police officials, juvenile officers and advocates play a pertinent role in this, each having a defined role that, when put together, ensures a well-coordinated and puissant response to child abuse. Their work which is guided by the legal frameworks and regular training helps to manage the complications of child abuse cases, justice, rights, and children welfare.

¹⁸ *Ramesh Dalal v. Union of India* (1988) 2 SCR , 1011

¹⁹ Subaryah, S. and Achmad, W., Restorative Justice in the Juvenile Justice System against Juvenile Delinquency. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 22,1

²⁰ Indian Penal Code, 1860; §. 75

²¹ Indian Penal Code, 1860; §. 76

²² Indian Penal Code, 1860; §. 317

²³ Indian Penal Code, 1860; §. 366A

²⁴ Indian Penal Code, 1860; §. 372

²⁵ Indian Penal Code, 1860; §. 373

²⁶ Prerona Sil, Child Abuse Laws in India: Fortifying the Formative Years, FOXMANDAL (December 21, 2022), <https://www.foxmandal.in/child-abuse-laws-in-india-fortifying-the-formative-years/#:~:text=Furthermore%2C%20the%20lack%20of%20awareness,to%20seek%20help%20and%20support>

In Parliament Attack Case ²⁷(*Shaukat Husain Guru V Delhi Police Commissioner 2008*), it is observed that for children, whose parents are engaged in some form of criminal activity the effect of crimes committed on the children should also be considered. It brought out the fact that the judiciary respected the child's need for psychological welfare and the rights she or he deserved to enjoy even though there were lawsuits regarding their family members.

The Supreme Court paid special attention to the trafficking of children for labour, in the landmark case of ²⁸*Bachpan Bachao Andolan v. Union of India (2011)*, urging severe remedial measures to deal with child trafficking and reintegration of children trapped in the vicious circle of human trafficking. The Court's commands to the government to come up with a transcendental national strategy for prevention of child trafficking and labour emphasizes the court's strict pacification of each form of child maltreatment.

These cases among others represent the various elements underpinning child welfare and protection in relation authoritatively under the Indian legal system. They reveal a way that the judiciary along with police officers for juveniles, advocates are guided through the difficult roads of child molestation with profound knowledge of legal, social, and psychological implications. These judgments inspire a performance of two roles at once by the judiciary—implementation of the current laws and reshaping of the legal structure so that it can better promote child welfare, proving the judiciary dynamic responsive in child protection.

(C) Psychologists, Social Workers, and Child Welfare Committee Members

In the hierarchy of ecosystem of child protection are the psychologists, the social-workers and members of CWC communicating to each other the multidimensional nature of the problem of child abuse within the family setting. The roles are irreplaceable in tackling and containing the intricate emotional, psychological, and physical pains that the victims are subjected to, informed by an understanding of the trauma and legal complexities.

Psychologists, Mental Health Professions are key members of early intervention and therapeutic salvation. Their need is accentuated by court cases like ²⁹*Sakshi v. Union of India (2004)*, where the Hon'ble Supreme Court of India stressed the importance of child-friendly trials, and the necessary measures during the trial process including gentle dealing with the victim which resonates with the psychological support provided for convalescence of victims of abuse. This case also shows the need for constant study and practice of treatment methods that are

²⁷ *Shaukat Husain Guru V Delhi Police Commissioner (2008) 6 SCC,776*

²⁸ *Bachpan Bachao Andolan v. Union of India (2011) 5 SCC, 1*

²⁹ *Sakshi v. Union of India (2004) 2 SCR, 723*

appropriately developed taking into account the peculiarities of such a form of violence as that within the family.

Also, actively involved in cases pertaining to child abuse and neglect, a social worker navigates both the legal and social services terrain to uphold and promote victims' welfare.³⁰*The Gaurav Jain v. Union of India (1997)* case required the creation of special homes for neglected and abused children, focusing on reintegration into the community. This directive reflects the significance of social workers in taking care of the child victims encompassing wholesale aid and support which accentuates their significance in the multi-disciplinary approaches pertaining to child welfare.

Child Welfare Committee Members play a crucial role in making decisions regarding the care, placement, and rehabilitation of abused victims; the members acquire their knowledge from legal frameworks and judicial directives.³¹*Laxmikant Pandey v. Union Of India (1984)*, and *Secretary, Ministry of Women & Child Development v. State of Karnataka & Ors (2021)* case also represents a judicial trust bestowed upon CWC to ensure the best interests of the child in adoption and care scenarios that needs to be exercised with caution.

Inter-professional cooperation regards to the entirety of psychologists, social workers, CWC representatives, and legal professionals results an extensive support base for child abuse victims. This network is multidisciplinary as it addresses all aspects of the child's health, when the abuse results in legal protection, psychological and emotional recovery. Various case laws in India, especially³²*Vishal Jeet v. Union of India (1990)* such as child prostitution and exploitation, efforts that support the fact that there is need for organized effort by different child welfare professionals.

All these professionals work together to ensure that every child receives treatment, help and protection allowing them to overcome the trauma of abuse that is the basis for an integrated life. In addition to reinforcing a legal basis for child protection, legal precedents integrated in the work provide efficiency of interventions, hence, establishing a whole range of protection to children's rights and welfare.

III. CRITICAL ANALYSIS

³³As per a survey on child abuse, conducted by the Government of India, Ministry of Women

³⁰ *The Gaurav Jain v. Union of India (1997)* 5 SCC, 709

³¹ *Laxmikant Pandey v. Union Of India (1984)* 2 SCR, 795

³² *Vishal Jeet v. Union of India (1990)* 2 SCR, 861

³³ Preethy, N. A., & Somasundaram, S. (2020). Awareness of child abuse and neglect among working parents in Chennai, India: A knowledge, attitude and practice (KAP) survey. *Journal of family medicine and primary care*, J

and Child Development (2007), it noticed that the prevalence, all forms, of child abuse is very high, in particular physical abuse (66%) and emotional abuse (50%). This survey deals primarily with physical and emotional child abuse neglect and parental and environmental factors influencing the abuse.

As per the survey ³⁴47.9% of parents are generally separated from their children for less than 8 hours a day with grandparents acting as primary care. With the intimacy of that familial nurturing notwithstanding, the awareness of physical and psychical abuse and neglect rests ominously on such psyches of children providing a conviction of care for such family members for turning around its deep emotional as well as psychological wounds.

Notably, awareness among working parents of the high susceptibility of children aged 6 – 8 years to abuse and neglect is surprisingly low, with only 31% recognizing this critical period, although studies show a peak with regard to physical abuse in this age range. The survey also pinned down a slight gender difference in the rate of physical and emotional abuse even though age, which could be a variable with respect to the different types of abuse raised could also affect this distribution.

One of the foremost issues is the circle of abuse, 13.7 percent of working parents admitted having been victims of child abuse and neglect as well as an additional 127 percent refused to disclose their abuse experiences. Some sociodemographic factors add to the complications in this intergenerational transmission of abuse, and these include maternal affective or substance abuse disorders that adversely affect the parent-child interactions.

Such statistics clearly demonstrate the immediate need for special interventions and protective mechanisms.

It suggests that family care provides protection against the transmission of violence; especially this phenomenon occurs during the perinatal period. As such, augmentation of awareness, and active interventions to perinatal depression, in addition to bettering parents-children emotional interactions, are the first steps to create secure relationships and interrupt the wheel of abuse. Thus, the measures listed above are essential for healthy child rearing and the emotional and psychological welfare of the future generation.

IV. CONCLUSION

In conclusion, this research paper greatly emphasizes on the need for a multidimensional

Family Med Prim Care., 9 .2, 602–608

³⁴ Preethy, supra 29

approach to fight the widespread problem of child abuse in the Indian familial context. With reference to the discussions on the roles and obligations of various stakeholders- parents, guardians, legal professionals, law enforcers, child welfare committees, psychologists and social workers, this paper discusses how the eradication of the effects of child abuse and neglect is by a combined effort of all the stakeholders.

It is broad based child abuse definition highlighted in this study arises from a cross-cutting child definition as a global concept that accounts for the wide-ranging for child abuse besting child definition inclusive of the international perspective and the WHO definition that captures various abusive behaviors and outcomes. This statement accentuates the importance of getting clear about the subtle patterns of abuse: physical and sexual abuse, emotional abuse, and neglect, and the urgent need for interventions that target both the symptoms and underlying causes of familial child abuse.

Ramming up parent and guardian awareness and education along with the enforcement of legal frameworks such as POCSO together with the provision of supportive schemes that ensure child safety are what the paper emphasizes on. Identification of early intervention, psychological support provision, and strong victim and family support network is emphasized as relevant pillars in interrupting the cycle of abuse and ensuring a safe environment for children.

However, the battle against child abuse is one in which not only legal consciousness is needed but also social consciousness and cultural reorientation that bring awareness, sympathies and practices at all strata of the society. We can bring tremendous progress to the protection of children and the development of empowered citizens by educating stakeholders, reinforcing the support systems, and improving intra-family and community communication.
