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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

CRIME AGAINST CHILDREN IN INDIA

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Abstract

Crimes against children can be physical, sexual, or emotional and include murder, kidnapping, sexual exploitation, abandonment, trafficking, etc. Children of all ages ranging from infants to adolescents are victimized. Such a crime can occur in homes, schools, and communities. It can be perpetrated by anybody; not just strangers but even close family members. Being a victim of crime can negatively affect the emotional and psychological development of a child. It leads to lower grades and absenteeism from school.

Keywords: crimes against children, child welfare committee, special courts, juvenile justice act, POCSO Act.

Introduction

Crimes against children in India rose by more than 80%, according to data from the NCRB's Cit reports. The increased rate has been reported from 25 states out of 29 while the incidents were not limited to urban areas. An RTI response published by popular media reveals an alarming rise in crimes against children in recent years, with the rate doubling post-COVID-19 pandemic. According to the information obtained in response to the application, between April 2019 and June 2024 1,10,194 child abuse complaints were received by the National Commission for Protection of Child Rights (NCPCR) with the most number from Madhya Pradesh, then Chhattisgarh, Rajasthan and Uttar Pradesh respectively.

The National Commission for Protection of Child Rights (NCPCR) echoed this sentiment, emphasising that crimes against children are now more visible, with perpetrators facing

consequences. The NCPCR highlighted the establishment of a robust mechanism to address such offences. Conclusion

The courts have been successful in convicting the accused. In most case cases the norm is to pronounce life term imprisonment or even death sentence to the accused for having committed a grievous crime. The biggest achievement of the court has been trying to safeguard the rights of the child. More and more cases are being registered. The courts are more mindful towards the needs of the child at every stage of the trial. Though a lot more is hoped to be achieved. The future could also see punishments like castration for the accused and death penalty.

What are the Most Common Types of Crimes against Children? Child Trafficking

Child trafficking in India remains a critical issue, with children often trafficked for forced labour, sexual exploitation, domestic servitude and begging. Owing to different socio-economic conditions including poverty, poor economic background, social vulnerabilities and financial desperation of families, children are often subjected to child trafficking and thereby coerced into child labor and sexual exploitation.

Child Labour

Child labour continues to plague India, being one of the biggest crimes against children, with many kids being compelled to work in dangerous conditions. These adolescent workers frequently endure long workdays, physical mistreatment and exposure to dangerous drugs.

Sexual Abuse of Children

Child sexual abuse is an insidious crime that inflicts long-lasting emotional and psychological damage on its victims. Despite the prevalence of laws like the Protection of Children from Sexual Offences (POCSO) Act, the prevalence of sexual abuse is alarmingly high.

Cyberbullying of Children

With a steady advancement of technology, newer kinds of violence against children have emerged, with cyberbullying becoming a growing online crime. Online abuse, threats and

humiliation are making children victims of cyber crime, which can negatively affect their self-esteem and mental health. Bullies are frequently emboldened by the anonymity of the internet, which makes it difficult for victims to get assistance.

Child Begging

Organised child trafficking networks and begging rings often push vulnerable children into begging on the streets. These crimes are carried out under the supervision of adults, who rely on child begging as their primary source of income, and it also opens the door for more kidnappings and abductions of children, which forces them into the so-called beggarly business.

Child Marriage

Child marriage is nevertheless rampant across India, despite the Prohibition of Child Marriage Act (2006) following a variety of socio-ecological variables, such as regressive societal norms and structural inequality. Child marriages are closely associated with poverty and are likely to add into the existing vulnerabilities faced by girls.

How do these Crimes impact Children?

The trauma from abusive behaviour has a life-long impact on a child's growth and development process. For victims of violence, there are long-term negative health, social and economic repercussions, such as- mental and physical health issues, increased risky behaviours, exposure to additional violence, physical injury-related disability, decreased health-related quality of life, lower educational attainment and lower levels of adult economic well-being.

Violence online

According to a recent report by U.S. National Center for Missing & Exploited Children (NCMEC) at least 25,000 images of child sexual abuse were uploaded every day from India. This amounts to 12 per cent of the child sexual abuse images circulation globally being generated in India.

There is a higher vulnerability of girls to online violence. In a survey conducted in 2016, 58 percent of respondents, largely women, reported having faced online aggression via trolling, bullying, abuse or harassment. In addition, girls are at risk of being prevented more often from using devices, among others to tackle the risk of them engaging with strangers.

The Rights of Child Victims in Special Courts

A unique situation arises when the child/adolescent refuses to undergo medical examination but the family member or investigating officer insists that the medical examination must be conducted. In a situation such as this, the law is silent on what is the way forward. The Special Courts in India can hear the cases only if the victim is a child. Unfortunately, the law has not provided a procedure to determine the age of the child victim where the age cannot be ascertained.

Children suffer from severe physical injuries as a result of the crime. The mental health of the child could be compromised. The parents might be unable to afford the medical treatment specially in those case when the child must be treated in a private hospital. There are no provisions made in the law for ensuring payments for such treatments. Social impediments may cause additional problems like ostracizing the child or affect the safety of the child. In such situations the family of the child may have to relocate their residence and find alternative educational facilities and employment for the child.

Causes of Crimes Against Children

1. Poverty and Economic Inequality

Poverty remains one of the leading causes of crimes against children in India. Families living in poverty may resort to sending their children to work to supplement their income. This economic desperation makes children susceptible to exploitation in various forms, including labour and trafficking.

2. Lack of Education

Education is a fundamental right that is often denied to children, particularly those from marginalized backgrounds. A lack of education not only limits children's knowledge of their rights but also perpetuates a cycle of poverty and crime. Without education, children are more likely to fall prey to child labour, trafficking, and other forms of exploitation.

3. Weak Law Enforcement

While India has laws in place to protect children, the enforcement of these laws is often inadequate. Many cases of crimes against children go unreported due to societal stigma, fear, or lack of trust in law enforcement agencies. Strengthening legal frameworks and ensuring accountability is crucial to combating crimes against children effectively.

4. Social and Cultural Factors

Deep-rooted social and cultural norms play a significant role in perpetuating crimes against children. Gender discrimination, societal attitudes towards child marriage, and stigma surrounding child abuse contribute to a culture that often disregards the rights and welfare of children.

What is the Protection of Children from Sexual Offences (POCSO) Act, 2012

The Protection of Children from Sexual Offences (POCSO) Act, 2012 is a comprehensive law enacted by the Parliament of India to protect children from sexual abuse and exploitation. The act provides a robust legal framework for the protection of children from offences of sexual assault, sexual harassment, and pornography, while safeguarding the interest of the child at every stage of the judicial process.

The POCSO Act recognizes different forms of sexual abuse and prescribes punishments for the same. The following are some of the features of the POCSO Act:

The act is gender-neutral for both children and the accused.

The act criminalizes watching or creating pornographic content involving children.

The act provides for the establishment of Special Courts for the speedy trial of offences.

Penalties for Child Abuse under Indian Law

The penalties for child abuse in India vary depending on the severity of the abuse and the specific law that has been violated. The following are some of the penalties for child abuse under Indian law:

1. Sexual assault on a child under the age of 12 years can result in imprisonment for a minimum of 20 years, which may extend to life imprisonment. For sexual assault on a child between the age of 12 to 18 years, the punishment is imprisonment for a minimum of 10 years, which may extend to life imprisonment.
2. Child labor (prohibition and regulation) act, 1986, provides for imprisonment for up to two years or a fine of up to 100,000 rupees, or both.
3. Cruelty to a child can result in imprisonment for up to five years and a fine of up to five lakhs rupees.
4. Abusive parents can face penalties such as arrest, fines, and lengthy prison

sentences depending on the severity of the abuse.

5. Intentional omission of necessary care and treatment of a child that may cause physical or mental harm can result in imprisonment for up to seven years or a fine or both.
6. Inducing any minor girl to have sexual intercourse with another person can result in imprisonment for up to ten years and a fine.

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Solutions to Combat Crimes Against Children in India

1. Stronger Legislation and Enforcement

To combat crimes against children effectively, India needs to strengthen its legal frameworks and ensure proper enforcement. This includes not only creating stricter laws but also improving the training of law enforcement personnel to handle cases involving children sensitively and effectively.

2. Awareness Campaigns

Raising awareness about children's rights and available legal protections is crucial. Community-based awareness campaigns can educate families about the importance of protecting children and the consequences of engaging in criminal activities like child labour and trafficking.

3. Education and Empowerment

Ensuring access to quality education is vital in preventing crimes against children. Educational programs should aim to empower children with knowledge about their rights, enabling them to speak out against abuse and exploitation. Scholarships, free meals, and after-school programs can also encourage parents to send their children to school rather than work.

4. Community Involvement

Community involvement is key to creating a safe environment for children. Local organizations and NGOs can play a significant role in child protection by monitoring at-risk communities, offering support to families in need, and providing resources for children

Conclusion

The courts have been successful in convicting the accused. In most case cases the norm is to pronounce life term imprisonment or even death sentence to the accused for having committed a grievous crime. The biggest achievement of the court has been trying to safeguard the rights of the child. More and more cases are being registered. The courts are more mindful towards the needs of the child at every stage of the trial. Though a lot more is hoped to be achieved. The future could also see punishments like castration for the accused and death penalty.