

CHAPTER III

LEGISLATIONS AND LAWS RELATED TO CHILD SEXUAL ABUSE

3.1 Constitution of India

- 3.2 Article 14
- 3.3 Equality before law
- 3.4 Equal protection of the laws
- 3.5 Article 15- Special Laws for Children
- 3.6 Protection under Article 21
- 3.7 Right to food for needy children
- 3.8 Protection against physical attacks
- 3.9 Right to education was recognized to be implied in right to life:
- 3.10 Article 21-A Right to free and compulsory education
- 3.11 Article 23
- 3.12 Article 24
- 3.13 Directives Principles of State Policy
Children's Wellbeing:
Article 45
Article 46
- 3.14. Fundamental Duties
Obscenity:
Abetment to Suicide
Offences relating to children
Prohibitions on Child Trafficking
- 3.15. Code of Criminal Procedure, 1973**
- 3.16. Indian Evidence Act, 1872**
- 3.17. Preliminary examination to test the capacity of a child witness The importance of kid evidence
The Supreme Court held in Bhagwan Singh v. State of M.P.
Juvenile Justice (Child Care and Protection) Act, 2015:
- 3.18 The salient feature of Juvenile Justice Act, 2015
 - Principles to be followed
 - Juvenile Justice Board
 - Procedure of inquiry and trial
 - Child welfare Committee
 - Welfare institutions
 - Adoption
 - Confidentiality
 - Offences under JJ Act, 2015:
- 3.19 Probation of offenders Act, 1958 Section 3,4,5,6,12**

The Commission for Protection of Child Rights Act of 2005
The Factory Act of 1948
The Minimum Wages Act of 1948
The subject of discussion is the Mines Act of 1952.
The Apprentices Act of 1961
The Beedi & Cigar Workers (Conditions of Employment) Act, 1966
The Child Labour (Regulation & Prohibition) Act, 1986
The Immoral Traffic (Prevention) Act, 1956
Pre- conception and Pre- Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
Family Laws:

The Hindu Marriage Act, 1955
 The Hindu Adoptions and Maintenance Act,
 1956 Hindu Minority and Guardianship Act,
 1956
 The Guardians and Wards Act, 1890
 The Prohibition of Child Marriage Act
 2006 Information Technology Act,
 2000

Protection of Children from Sexual Offences Act, 2012

3.19 Child Pornography

Section 15- Punishment for storage of pornographic material involving child: Abetment and Attempt of Offences

Section 17

Section 18

Reporting of

Cases Section 20

Conclusions

This chapter will examine the current legislative framework concerning child sexual abuse in southern Rajasthan. The researcher will do a comprehensive review of the existing legislative framework to determine whether it is sufficient in addressing the problem of child sexual abuse. Nearly 30% of the world is children. To maintain and enhance posterity, they should be safeguarded. They're crucial to society and culture's future. Thus, children deserve social fairness. *The Geneva Declaration on the Rights of the Child, 1924*, and the *Universal Declaration of Human Rights, 1948*, acknowledged the need to safeguard children. The 1989 UN treaty on child rights was a major step forward. States parties must safeguard children from sexual abuse under the *1989 UN Convention on the Rights of the Child*. Thus, all nations should adopt national, bilateral, and international measures to prevent perversion and enticement to participate in unlawful sexual practices. December 11, 1992, India ratified CRC. Thus, our government must ensure that the convention's child sexual violence rights are established in our legal system. Parliament passed various child-protection measures to support this agreement.

3.1 Constitution of India

The constitutional provisions are discussed here under:

Preamble:

India has the longest and biggest constitution. The Indian Constitution's framers included several important measures for changing childhood, child rearing, and ending child labor. 1976's 42nd Amendment added 'socialist' to the preamble.

In *D.S. Nakara V. Union of India*, the socialist state of India seeks to

abolish economic inequality and provide workers with an acceptable standard of life. The Constituent Assembly recognized the significance of children and set measures to educate them and end child labor in India.

3.2 Article 14

The law must safeguard all Indians, especially children, without prejudice or irrationality. The Indian Constitution guarantees this right to safeguard children's dignity and integrity. Indian society discriminates against disadvantaged children. "The state shall not refuse to any individual within the territory of India equal treatment under the law or equal protection under the law," Article 14 states. Article 14 uses "equality before the law" and "equal protection of the law".

"Equality before the law" is a negative term that implies no special privilege for people and equal subjectivity of all classes to the law. "Equal protection of the law" implies equal treatment under equal circumstances and is more positive both terms emphasize equal justice.

3.3 Equality before Law-

Equal treatment under the law means that like should be treated equally. All people of full age and understanding should have the right to be sue and to be sued, prosecute and be prosecuted for the similarly, regardless color, religion, money, social position, or political influence

3.4 Equal protection of the Laws-

The rule states that two things that are similar should be treated the same, but it does not state that dissimilar things should be treated the same. The rule of law puts a responsibility on the state to take particular measures to prevent and punish brutality by the police tactics.

These measures must be taken in order to fulfill the state's obligation under the rule of law. Since the "basic feature" of the Indian constitution is the rule of law, which is stated in article 14, it cannot be abolished even if the constitution is amended in accordance with article 368 of the constitution, which states that this cannot occur. The phrase "any person" appears in Article 14 of the Constitution, indicating that the Constitution's promise of equal protection under the law is applicable to any individual, as well as any corporation, organization, or group of persons.

This provision also applies to groups of people. Article 14's protection is extended to both citizens and those who are not citizens of the country, as well as to natural persons and legal persons. Everyone is guaranteed

to be treated equally before the law, regardless of factors such as race, color, or nationality.

3.5 Article 15- Special Laws for Children

Discrimination is prohibited under Article 15 of the Indian Constitution. There is nothing in this article that prevents the state from making special arrangements for women and children, as stated in Article 15(3).

Article 15(3) makes it very clear that “special provision” does not imply unequal treatment, but is designed for the well-being and development of children in India. Several acts have been enacted by parliament as a result of this Article.

3.6 Protection under Article 21

According to Article 21, “no one shall be deprived of his life or personal liberty except in accordance with the procedure established by law.”

Prior to Maneka Gandhi’s ruling, Article 21 safeguarded people’ right to life and personal liberty only against arbitrary presidential action, not legislative action. The state may infringe on people’ liberties if its behavior is supported by a lawful law.

Following Maneka Gandhi’s ruling, Article 21 now protects people’ right to liberty and personal liberty not just against administrative action but also from legislative action.

A person’s life and personal liberty¹ may be taken away if two requirements are met: first, there must be a law, and second, there must be a method established by the law, given that the procedure is just, fair, and reasonable.

The right provided by Article 21 is open to both ‘citizens’ and ‘non-citizens’. The Apex Court, via Judicial Activism, has put various rights necessitating child protection under the umbrella of Article 21. A few of these rights are detailed below:

3.7 Right to food for needy children

In an important judgment in the *PUCL v. Union of India* the Supreme Court found in the case that hungry people had the right to eat under Article 21 and that states should be exempted. Free, particularly if it is unused and deteriorating. In such a case, the court determined that all old, vulnerable, handicapped, homeless women, homeless men, pregnant and lactating women, and homeless children would be fed.

¹ Personal liberty means **the freedom to make choices and decisions about your own life**

As a consequence, the court ordered the states to make any extra food held in buckets accessible via Public Distribution System (PDS) outlets immediately in order to combat hunger and malnutrition².

3.8 Protection against physical attacks enroute school.

In *Swapan Kumar Saha v. South Point Montessori High School and others* ruled that it is the school administration's responsibility to guarantee that students may leave securely. The court decided that overcrowding on school buses violated the right of schoolchildren to operate school buses safely under Article 21 of the Constitution. The judge ordered the state to take appropriate measures to put the Motor Vehicles Act of 1988 into effect. Justice ordered school administrators to follow the law.

3.9 Right to education was recognized to be implied in right to life:

In *Mohini Jain v. State of Karnataka* person's right to life and dignity under Article 21 may only be achieved if it is complemented by the right to education. The Court concluded that the right to education at all levels is a basic right under Article 21 of the Constitution, and that charging a per capita admission fee to reflect people's right to education is illegal.

In *Unni Krishnan V. State of Andhra Pradesh* states in which a court of justice has declared the right to education to be a fundamental right of children aged 6 to 14 years. The court disagreed with Mohini Jain's conclusion that every child of all ages has the right to education, instead stating that the right to free education is only and only accessible to children under the age 14, and so rejected Mohini Jain's complaint. According to the court, the state's obligation beyond the age of 14 is determined by economic performance and advancement.

Despite the fact that the Supreme Court declared in the Unni Krishnan case that the access to education is a basic right for children aged 6 to 14, the situation has not changed. Education was declared a basic right by all parties. As a consequence, the government passed the 2002 Constitutional Amendment (86th Amendment) making education a basic right.

3.10 Article 21-A Right to free and compulsory education

without interference from others.

² Malnutrition is a serious condition that occurs when someone's diet doesn't have the right amount of nutrients. It can be caused by a lack of nutrients in the diet, or when the body can't absorb nutrients from food.

The Constitution Act of 2002 (86th Amendment) introduced a new provision 21A following Article 21 and declared education a basic right for all children aged 6 to 14. “All children aged 6 to 14 will receive free and compulsory education in the manner established.” by the government,” it said. Education is often regarded as a basic human right. Education is a critical component in the success of a democratic government.

A well-informed person should vote for representatives to create the government. Education gives people personal dignity and helps to the growth of their nation. It is the obligation of the Constitution’s founders, who recognize the significance of education, to give it to all children up to the age of 14 within 10 years after incorporation under Article 45, as one of the State’s commandments. To offer free and obligatory education to students who have completed six years of school. The objective was to eradicate illiteracy across the nation.

Article 26 of the UDHR and Articles 13 and 14 of the ICESCR codify the right to education in international law. These articles require education for all children, regardless of religion, caste, gender, or socioeconomic position. Article 21-A assures that no child is denied a basic education and that everyone receives an elementary education.

3.11 Article 23

Article 23 of the constitution forbids trafficking in human beings and beggars, as well as other types of forced labor.

‘Trade in human beings’ refers to the sale and purchase of men and women as commodities, and includes immoral trade in women and children for immoral or other objectives. Though slavery is not expressly mentioned in article 23, But included in the expression ‘traffic in human being’

Individuals are protected under Article 23 not only from the state, but also from private citizens. It places a direct obligation on the state to undertake measures to remove the ills of “human trafficking,” as well as begging and other forms of forced labour, wherever they may be present.

In *Peoples Union for Democratic Rights v. Union of India*, the Supreme Court went into great detail on the meaning and scope of Article 23. The court decided that article 23 has a broad and limitless scope, outlawing “human trafficking” as well as “begging and other forms of forced labor” wherever they may exist. Article 23 forbids not just “begging,” but all forms of forced work.

The Supreme Court ruled in *Bandhua Mukti Morcha v. Union of*

India that when a public interest litigation alleging the existence of bonded labor is filed in court, the government should welcome it because it will allow the government to investigate the existence of a bonded labor system and take appropriate steps to eliminate it. This is the government's constitutional obligation under Article 23, which prohibits 'forced labor' in any form. Provision 23 abolished the bonded labor system, while no significant effort was made to put this provision into operation. Only in 1976 did parliament approve the Bonded Labour System (Termination) Act, which called for the abolition of the bonded labor system in order to end economic and physical exploitation of the lower sections of the population.

3.12 Article 24

The clause states that "no child under the age of 14 shall be employed in any factory, mine, or hazardous occupation." Construction and railroad work are two examples of dangerous situations. This article does not prohibit harmless work. This Article regulates and prohibits child labor in India.

Child labor is defined as work that takes away children's youth, potential, and dignity. This jeopardizes their physical and mental growth. With such a big population, UNICEF anticipates that child labor will be prevalent in India. Following its independence from colonial rule, India implemented a number of constitutional guarantees and laws forbidding child labor.

Children under the age of 14 are not authorized to work in industries or in risky occupations, according to Article 24 of the constitution. This approach is obviously beneficial to public health and child safety. Children are a valuable national resource.

It was determined in *People's Union for Democratic Rights v. Union of India* that the Employment of Children Act, 1938, did not apply to the employment of children in Asiad Projects' construction work in Delhi since building was not a process included in the schedule of the Children Act. The court rejected this argument, holding that construction work is dangerous work, and thus, under article 24, no child under the age of 14 years can be employed in construction work, even if the construction industry is not listed in the schedule to the Employment of Children Act, 1938.

Concerned by the said and appalling omission,' Bhagwati, J., directed the state government to take urgent action to include building activity in the Act's timetable, and to guarantee that the constitutional obligation of article 24

is not breached elsewhere in the nation.

In *Labours Working on Salal Hydro Project v. State of Jammu and Kashmir*, the court underlined the principle that construction work is a dangerous occupation and that minors under the age of 14 should not be engaged in it.

The Supreme Court ruled in the landmark case of *M.C. Mehta v. State of Tamil Nadu*

that children under the age of 14 cannot work in any hazardous industry, mine, or other work, and outlined detailed guidelines for state officials to follow in protecting the economic, social, and humanitarian rights of millions of children who work illegally in both the public and private sectors. Despite the fact that many states' constitutions and legislative enactments restrict the use of child labor. Child labor is a major issue that has yet to be resolved.

3.13 Directives Principles of State Policy

Many DPSP provisions show how the state is held responsible for the preservation of children's rights.

Article 39

Article 39 (e) prohibits molestation of minors of a vulnerable age.

Article 39 (f) ensures that children grow up in a safe environment and are not exploited.

Articles 39 (e) and (f) are inextricably linked, and it is clear that one of the goals is for the state to direct its policies toward safeguarding infancy and childhood against exploitation and moral and material abandonment. These constitutional provisions show that the authors of the Constitution were particularly concerned with safeguarding and preserving the rights and welfare of children.

Children's Wellbeing:

The significance of a child welfare program in a civilised society cannot be overstated, since the country's overall well-being is dependent on the well-being of its children.

The Indian government has developed a national policy for the welfare of children in accordance with Article 39 (e) and (f) of the Constitution. "The nation's children are a tremendously vital asset," the policy asserts. The strategy describes the initiatives that the Indian government wants to take to protect children from exploitation and abuse. Aside from sections 39 (e) and

(f), the constitution has a few further measures aimed at promoting the well-being of children. Article 15(3) empowers the state to make specific provisions for children. Human trafficking is prohibited under Article 23. Article 24 makes it illegal to hire minors under the age of 14 in any risky occupation. According to Article 45, all children under the age of six get early childhood care and education, and children under the age of 14 receive free and compulsory schooling.

On several instances, the Supreme Court has shown concern for the well-being of children. A number of public interest litigation cases concerning specific children's concerns have been filed in the courts.

In Lakshmi Kant Pandey v. Union of India, the Supreme Court emphasized the significance of child welfare in the country. According to the Supreme Court, the health and well-being of a community's children determines its overall well-being. "The constitutional provisions indicate the constitution-maker's enormous anxiety to protect and defend the interests and welfare of children in the country," the court noted of the different constitutional provisions. The court was made aware of the concerns surrounding the adoption of Indian children by foreign parents, as well as the system's abuses, in the present case.

While parliament creates laws, the court has issued precise guidelines to control the adoption of Indian children by foreigners. The court emphasized that the primary purpose of placing the child for adoption is for his own welfare, and hence great care must be exercised in enabling the child to be placed for adoption with foreign parents. *Vishal Jeet v. Union of India* was a public interest litigation writ petition that brought child prostitution to the Supreme Court's notice. The court expressed its regret at the plight of child prostitutes.

The court created a committee to explore the problem of child prostitution rehabilitation in all of its components in *Gaurav Jain v. Union of India*.

State of Rajasthan v. On Prakash, the Supreme Court used article 39's "special safeguard" for children to warn that courts should be sympathetic when dealing with cases of child rape.

Parliament also established the Immoral Traffic (Prevention) Act in 1956 to tackle the plague of prostitution. Parliament also approved the Juvenile Justice Act in 1986. Despite these "stringent and rehabilitative" legislative constraints, the problem persists. As a consequence, the Supreme Court has

emphasized the need of stringent and timely implementation of these laws by the competent law enforcement institutions. The Supreme Court has also issued a number of decisions directing various governments to take remedial action in the matter.

Article 41

Article 41 mandates the state, within the limitations of its economic competence and development, to make necessary preparations to guarantee the right to labor, education, and public assistance in circumstances of unemployment, old age, sickness, and disablement, as well as other cases of unjustifiable want.

Article 45

Early childhood care and education for children under the age of six are covered under Article 45. It originally mandated the state to make every effort to offer free and compulsory education to all children till the age of 14 within ten years of the constitution's passage.

In 2002, Article 45 was eliminated in favor of Article 21A, which established free and obligatory education as a basic right. According to Article 45, the state shall make every effort to offer early childhood care and education to all children up to the age of six.

Despite the fact that it has been more than 50 years since independence, the mandate in Article 45 has not been fully implemented. Child labor is common in dangerous industries such as explosives manufacturing. As the Supreme Court said in

M.C. Mehta v. State of Tamil Nadu, “.....reality is that children are extensively exploited in this country, as in many others.” Despite various legislative enactments prohibiting the employment of minors in a range of industries and avocations, child labor is a serious problem that has remained unsolved even after 50 years of independence.”

The state must make every attempt to provide early childhood education and care to all children until the age of six. According to this Act of the Indian Constitution, the state is accountable for the child's development. The state must offer a secure growing environment in which children may enjoy their childhood without fear of harm from outside forces. Following that, it is the responsibility of the state to provide children with free and obligatory education.

Whatever the child's condition is, even if they are not safeguarded or denied their rights by their own parents. To safeguard the child's safety, the state must take extreme care.

Article 46

Article 46 requires the state to promote the economic and educational goals of the population's weaker segments, particularly the lower classes and indigenous communities, as well as to safeguard them from all forms of social injustice and exploitation. In *Society for Un-Aided Private Schools of Rajasthan v. Union of India*, the Supreme Court declared that the word "weaker sections" under Article 46 is wider than "backward class." Backward citizens are those who are socially, educationally, and economically backward and are underrepresented in State services, according to Article 16(4).

Furthermore, the word "weaker sections"³ may refer to individuals of society's weaker parts or components.

Article 51 (c)

Article 51(c) makes no mention of treaty enforcement or implementation. International treaties are not legally binding until local law is altered. Municipal law governs the courts alone. However, the Supreme Court has relied on several international treaties in interpreting a number of fundamental rights. For example, in *People's Union for Civil Liberties v. Union of India*, the court used article 17 of the ICCPR, 1966 and article 12 of the UDHR to infer a right to privacy in India from article 21. The court said in this regard:

"Today, international law is not restricted to governing international interactions. The project's scope is increasing. Aside from human rights, international standards increasingly include social concerns such as health, education, and the economy. Individuals are the center of international law more than ever. It is an almost universally accepted legal notion that "customary international law rules that are not contrary to municipal law shall be deemed to be incorporated into domestic law."

An Indian citizen's essential duties are his or her fundamental obligations. It consists of around 11 obligations that every Indian citizen must do. It is characterized as everyone's moral obligation to promote patriotism and protect India's unity. Article 51A (k) addresses children's education.

Every Indian citizen who is a legal guardian owes educational opportunities to his or her kid or ward between the ages of six and fourteen. The Constitution specifically stipulates that providing education is the duty of parents since it is critical to the country's future and progress.

Article 51A (k) was introduced as a Fundamental Duty in 2002, along with

³ several weaker sections that face various challenges and inequalities.

Article 21A as a Fundamental Right. When paired with Article 51A (k), Article 21A splits the obligation between the state and the parents: the state is responsible for free education, while the parents are responsible for required education.

In addition to parental duty, the state must make compulsory schooling a reality. However, Article 51A (k) does not penalise parents or guardians for failing to send their children to school.

3.14 Fundamental Duties

The essential responsibilities of an Indian citizen are referred to as fundamental duties. It has roughly 11 responsibilities that every Indian citizen must do. It is described as the moral responsibility of all people to encourage patriotism and preserve India's unity. **Article 51A (k)** provides for the education of children.

Every Indian citizen who is a legal guardian owes it to his or her child or ward between the ages of six and fourteen to provide opportunities for education. The Constitution expressly states that giving education is the parent's responsibility since it is important for the country's future and growth.

In 2002, **Article 51A (k)** was added as a Fundamental Duty, alongside Article 21A as a Fundamental Right. Article 21A, when read in conjunction with Article 51A (k), divides and distributes obligations between the state and parents: the state is concerned with free education, while parents are concerned with obligatory education. However article 51A (k) does not penalize parents or guardian for failing to send children to school.”

Obscenity:

Sections 292 and 293 were inserted in compliance with the decision approved by the International Convention for the Suppression and Circulation of Obscene Publications, which was signed in Geneva in September 1923, and were later revised by the Indian Penal Code (Amendment) Act, 1969. These laws address obscenity. However, the term ‘obscene’ is not defined in the IPC, but in common language it refers to anything that is repugnant to modesty or decency, vulgar, dirty, or disgusting.

Section 292 forbids the sale, hire, or dissemination of any obscene content in the form of a book, pamphlet, or drawing figure, among other things. It is to note that the concept of obscenity differ from country to country depending on the standard of morals of contemporary society. Therefore Hicklin Test was applied by Supreme Court while deciding whether any publication is obscene or not. It reads as:

“test of obscenity is whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.....It is quite certain that it would suggest to the minds of young of either sex, or even to persons of more advanced years, thoughts of a most impure and libidinous character.

On first conviction, *Section 292* mandates simple or harsh imprisonment for a period of up to two years and a fine of up to two thousand rupees. If convicted again, the sentence may be increased to five years in jail and the fine increased to five thousand rupees.

Section 293 deals with obscene material, as defined in section 292, when it is sold, let on hire, or distributed to a young person, i.e., a person under the age of twenty years. This section contemplates the provision of enhanced punishment, when obscene material is sold, distributed, or exhibited to a young person, of simple or rigorous imprisonment for three years and a fine.

For the first conviction, a fine of Rupees 2,000. If convicted again, the sentence may be enhanced to seven years in jail and a fine of up to five thousand rupees. These parts, in addition to particular provisions in the **POCSO Act of 2012**, are critical in combating the threat of child pornography.

Abetment to Suicide

It specifies that anybody under 18 who commits suicide or aids them would be penalized. If a person aids a child's suicide, he faces the death sentence, life imprisonment, or 10 years in jail.

Offences relating to children

Including the causing of miscarriage, injuries to unborn children, abandonment and exposure of infants and concealment of births and secret disposal of death bodies of children. These sections are discussed in brief here under:

Section 312 makes it a crime to cause a miscarriage. It is not an offense if done in good faith to save women's lives. **Section 313** also addresses miscarriages that occur without the permission of the mothers.

Section 315

In the Indian Penal Code, this provision provides for infanticide, which falls under the category of crimes against minors. The act of murdering a new-born is punishable under this Section of the Indian Penal Code.

Section 361

This provision declares that anybody who causes the death of an unborn child is guilty of culpable homicide. It is a more serious variant of section 315. The crime in each of these clauses is the killing of an unborn child. The conduct is done with the aim to cause the death of an unborn person, according to Section 315. However, under Section 316, the act is committed with mensrea or the purpose to do culpable murder, which act ends in the death of the fast unborn child rather than the death of the mother.

317 section

It defines exposing and abandoning a child under the age of twelve by a parent or other responsible adult. A parent or mother who exposes or abandons a kid under the age of 12 shall be penalized. This clause applies solely when a kid under the age of 12 is exposed or abandoned. This section is intended to safeguard the interests of children under the age of twelve, since they are unable to defend themselves. Parents and individuals who may have custody of a kid have the major duty for raising the child and providing proper care for youngsters of delicate age. It applies equally to both legal and illegitimate offspring.

Section 318:

It is a common policy in practically all nations to make births and deaths public. The Registration of Births and Deaths Act of 1969 in India require everyone to register every birth and death with the local authorities.

Many civil transactions need birth and death certificates. In India, having a girl child is still considered a misfortune and a burden, and as a consequence, female feticide is quite common. In most instances, the corpse is quietly disposed of, and section 318 of the Indian Penal Code prohibits the act of covertly disposing of a child's deceased body.

According to this Section, the child's lifeless corpse shall be secretly buried or disposed of. This indicates that the kid should not be an embryo or fetus, but should have progressed to the point where it can be born alive and capable of surviving. The term 'body' signifies that the foetus must have grown into a human form in the mother's womb. The infant should also be dead. If the infant was alive at the time of the covert disposal, there is no crime under this clause.

Kidnapping

Provisions for Kidnapping and Abduction are contemplated under section 359

to 374 of Indian Penal Code, 1860.

Section 361

It deals with abduction of minors under the age of sixteen in the case of a male child and eighteen in the case of a female child. It deals with the removal of a juvenile from the custody of a legal guardian. It is considered 'kid snatching' in England. This section's goal is to prevent little children and people of unsound mind from being deceived, abused, or otherwise exploited by others. It says: Punishment for abduction is imposed by Section 363, and the individual who commits such an act faces a period of up to seven years in prison and a fine.

Provision 363A: This provision deals with the abduction or maiming of a child for the purpose of begging. It was implemented in 1959 to combat the rise of organized begging, in which unscrupulous individuals abducted and maimed youngsters for the purpose of begging. The main purpose of this section is to safeguard youngsters from being victimized by organized beggar gangs.

366A Section

It specifies the penalty for procreation of underage females (inducing force or seduction, or unlawful intercourse). This section outlines the steps that will be taken to combat the aforementioned crime and guarantee the safety of the female child in India. It states that in order to convict a person under this provision, it must be demonstrated that he persuaded a girl under the age of 18 to depart from any area with the intent of forcing or luring her into unlawful sexual conduct with anybody other than himself.

➤ ***Section 366B*** deals with the importation of foreign females. It states that anybody

who brings a female under the age of 21 into India from a country other than India or J&K with the goal of coercing or seducing her into illicit sexual intercourse with another person faces a ten-year prison term and a fine.

Section 367 deals with abduction or kidnapping with the intent to cause significant damage, enslavement, and other crimes. According to this provision, anybody who abducts or attempts to kidnap a person in order for that person to be submitted or eliminated in such a manner that there is a danger of severe damage, enslavement, or unnatural desire of a person, or who knows that person is vulnerable to being subjected or eliminated, is guilty. In this manner, he will also face a prison term of up to 10 years.

Section 369 specifies the penalty for kidnapping or abducting a child under the age of ten with the aim to take from its person.

Rape:

The IPC addresses child sexual abuse by includes it in the rape provisions. The crime of rape is defined in Section 375, and the punishments are outlined in Section.

Furthermore, Section 376 imposes penalties if a police officer, officer or employee of a jail, remand home, children's institution, hospital, or anyone who rapes a woman is a juvenile 16 years of legal age. The Criminal Law (Amendment) Act of 2018 included new clauses to the IPC dealing with rape cases involving underage girls. They are especially addressed here:

376 AB Section

This section defines the crime of rape performed on a lady under the age of twelve.

376DA Section

This section defines the crime of gang rape against a woman under the age of sixteen.

376DB Section

This section defines the crime of gang rape against a lady under the age of twelve.

376 E Section

The Criminal Law (Amendment) Act of 2013 added this provision. It calls for harsher penalty for repeat offenders.

Prohibitions on Child Trafficking

The IPC has many provisions that address the problem of child trafficking for prostitution. The relevant clauses, as well as their related penalties, are underlined below:

370 Section:

The Criminal Law Amendment Act of 2013 took its place. It defines human trafficking in a broader meaning than slavery and provides for minimum and maximum penalties. It also specifies five types or categories of trafficking and the penalties associated with each kind or category.

370A Section:

This provision addresses the criminal culpability of anybody who intentionally employs a trafficked juvenile or person in any way for sexual exploitation.

Sections 372 & 373

Sections 372 and 373 detail the penalties for buying, selling, or getting custody of a minor under the age of eighteen who is hired or exploited for prostitution, illicit intercourse with another person, or any other criminal reason. **Sections 372 and 373** of the Indian Penal Code are homologous and pertain to the same offense committed by both parties (buyer and seller). Section 372 deals with the sale, while Section 373 deals with the purchase of minors. The Code makes no distinction between what is and is not “immoral,” since it is mostly determined by people’s social practices. These clauses make it a crime to trade kids for immoral reasons.

The phrase “person” refers to a minor, regardless of gender, in both sections. Neither Section 372 nor Section 373, by imposing a penalty, impede the transfer of a person above the age of eighteen. Both apply solely to persons under the age of eighteen

While Sections 372 and 373 of the IPC recognize that a minor, male or female, may be sold or bought for the purpose of illegal intercourse or for illegal and immoral purposes, Sections 366, 366-A, and 366-B of the IPC, which deal with kidnapping, kidnapping, induction, procurement, and importation for the purpose of illegal sexual intercourse, do not only apply to women. Although Sections 366-A and 366-B apply solely to females under the ages of 18 and 21, respectively, Section 366 applies to women of all ages. Men’s exclusion from these rules may be traced back to women’s morality, virginity, and chastity.

3.15 Code of Criminal Procedure, 1973

The provisions which pertain to children in code of criminal procedure are discussed.

Section 27

States that any offense committed by a juvenile offender, defined as a person under the age of 16, may be tried by the chief judicial magistrate or any other court specifically empowered under the Children Act 1960 or any other law in force at the time related to juvenile offenders.

However, an offense punishable by death or life imprisonment

committed by a person under the age of 16 is an exception to the above rule and cannot be prosecuted by the above courts. The age of 16 is considered on the day an offender appears or is hauled before the court.

This provision does not revoke the magistrate's jurisdiction granted under section 26 and the first schedule. It is designed to provide certain other courts the authority to trial juvenile offenders for specific offenses that would otherwise be dealt with tribally by the court of sessions. The goal of this section is to eliminate the long trial process in the event of Juvenile criminals, as well as providing for their prosecution by certain specialist Courts. This clause does not limit the competence of the state legislature to enact legislation pertaining to Children's therapy, etc. or the creation of specific quotations for the trial of such young criminals. It also does not deprive a Juvenile Court created under any such local statute of the authority to try juvenile offenders, even if the offense is punished by death or life imprisonment. This part is an enabling section, and it makes no attempt to remove the savings offered in section 5 of the code.

Section 98

Both the detention and the intent must be illegal for a magistrate to act under this clause. It should be observed that male children are exempt from the section's application, indicating that the criminal aim anticipated by the section had some specific connection to the gender of the person against whom it was entertained. Detention of a juvenile girl by a person who is not legally entitled to her care, against the will of her guardian, is prohibited under this clause.

Section 360

This section Order to release on probation of good conduct or after admonition.—

1. When any person not under twenty-one years of age is convicted of an offence punishable with fine only or with imprisonment for a term of seven years or less, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any

punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behaviour: Provided that where any first offender is convicted by a Magistrate of the second class not specially empowered by the High Court, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in the manner provided by sub-section (2).

2. Where proceedings are submitted to a Magistrate of the first class as provided by subsection (1), such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.
3. In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code (45 of 1860), punishable with not more than two years, imprisonment or any offence punishable with fine only and no previous conviction is proved against him, the Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.
4. An order under this section may be made by any Appellate Court or by the High Court or Court of Session when exercising its powers of revision.
5. When an order has been made under this section in respect of any offender, the High Court or Court of Session may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law: Provided that the High Court or Court of Session shall not under this sub-section inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

6. The provisions of sections 121, 124 and 373 shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.
7. The Court, before directing the release of an offender under sub-section (1), shall be satisfied that an offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.
8. If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.
9. An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence and such Court may, after hearing the case, pass sentence.
10. Nothing in this section affects the requirements of the Probation of Offenders Act, 1958 (20 of 1958), the Children Act, 1960 (60 of 1960), or any other law in force for the care, instruction, or rehabilitative services of adolescent offenders at the time.”

This provision is a piece of helpful legislation. It only applies to first-time offenders. It allows the court, under certain conditions, to release an accused who has been convicted on probation for good behaviour.

First-time offenders under this provision are eligible to pardon based on their age, character, or antecedents, as well as the circumstances of the offense. The goal of this section is to keep the first offender out of jail for an offense that is not severe enough to warrant incarceration, risking turning him into a regular criminal.

According to sub-section (1), first offenders are divided into two categories: those over the age of 21 and convicted of an offence punishable with a fine only or imprisonment for a term of 7 years or less, and those under the age of 21 or any woman convicted of an offence not punishable with death or imprisonment for life.

3.16 Indian Evidence Act, 1872

Indian Evidence Act is a procedural law pertaining to evidences and proof. Evidence Act inculcates the concept of child testimony by virtue of section

118.

➤ ***Child witness***

Even children as young as six or seven years old may be permitted to testify if the court is convinced that they have the competence to provide logical evidence. A youngster of tender years is a competent witness when he or she is mentally matured enough to comprehend what he or she has seen and then notify the court about it. Before recording a child's testimony, the court must first examine his ability to comprehend and deliver sensible responses via preliminary examination and develop a judgment on the witness's competence.

A trial judge who has a child witness before him should preserve on the record, in addition to the child witness's evidence in the case, some other questions and answers that could help the court of appeals determine whether the trial judge's decision regarding the competency of the child witnesses was correct or incorrect. The child's statement may be recorded without administering an oath to him. The failure to interrogate a youngster to determine his competence may not invalidate the trial.

3.17 Preliminary examination to test the capacity of a child witness

Before recording the testimony of a juvenile witness, the court must examine his ability to comprehend and deliver reasonable responses via preliminary examination and develop a judgment on the witness's competence. It is preferable that the trial court preserve on the record some question and answer given by the witness that would assist the court of appeal in determining whether the trial court's decision regarding the competency of the child witness was correct or incorrect. Examination of a student witness may include the following:

In what class do you read? How many students are there in your class? How many teachers are there in your school? Who is the best teacher?

If the child is not student the question should be like:

How many brothers and sisters you have? Who is the elder of all? How many of them are married? What is the means of livelihood of the family?

The importance of kid evidence

Children are the most hazardous witnesses because, owing to their young age, they often confuse dreams with reality. They are capable of readily packing and replicating things. They repeat what they have learned from others and are heavily affected by fear of punishment, hope of reward, and desire for

reputation. As a result, relying on uncorroborated evidence from a youngster is risky.

The Supreme Court held in Bhagwan Singh v. State of M.P. that the law recognized the child as a competent witness, but a child, particularly at such a young age of 6 years, who is unable to form a proper opinion about the nature of the incident due to immaturity of understanding is not considered by a court to be a witness whose sole testimony could be relied on without other corroborative evidence. Because he is an easy victim for tutors, the evidence of the youngster must be carefully scrutinized.

As a result, the court always looks for substantial corroboration from other evidence to his testimony. In this instance, the youngsters fell deep asleep despite seeing their mother's terrible death; this fact seems incredible. The youngster must have cried, which was not the case in this instance. Considering the facts and circumstances of this case, the young witness could not be trusted.

Juvenile Justice (Child Care and Protection) Act, 2015:

The juvenile justice system in India is built on the premise of child rights promotion and protection. The Juvenile Justice (Child Care and Protection) Act of 2015 superseded the Juvenile Justice Act of 2000, which established Juvenile Justice Districts around the nation to assist dependent and vulnerable children, as well as children in conflict with the law.

The Juvenile Justice (Care and Protection of Children) Act of 2015 increases safeguards for children in need of care and protection, as well as those who have broken the law.

3.18 The salient feature of Juvenile Justice Act, 2015 are:

9. Definitions:

The Juvenile Justice Act of 2015 defines a child in dispute with the law and a kid in need of care and protection in detail. There is a clear contrast between children who are in violation of the law and youngsters who need protection and care. The term 'juvenile' was replaced with 'kid' and 'child in confrontation with the law' in the 2015 Act. The Act also specifies orphaned children, surrendered children, and abandoned children. It also defines minor, major, and egregious crimes committed by children:

- A heinous offence is one that has a maximum sentence of 7 years in jail under any existing legislation.

- A severe offence is one that carries a sentence of 3 to 7 years in prison
- A minor offence is one that carries a sentence of 3 years in prison.

10. Principles to be followed

As per Section 3 of provides that, The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—

- I. Principle of presumption of innocence
- II. Principle of Dignity and Worth Principle of participation.
- III. Principle of best interest.
- IV. Principle of institutionalization as a measure of last resort.
- V. Principle of family responsibility.
- VI. Principle of safety.
- VII. Principle of non-waiver of rights.
- VIII. Principle of equality and non-discrimination.
- IX. Positive measures.
- X. Principle of non-stigmatizing semantics.
- XI. Principle of right to privacy and confidentiality.
- XII. Principle of repatriation and restoration.
- XIII. Principle of fresh start.
- XIV. Principle of diversion.
- XV. Principles of natural justice

11. Juvenile Justice Board

(This is a judicial body before which children who have been imprisoned or accused of a crime are taken. Because adolescents are not to be transported before a normal criminal court, this serves as a separate court. The board is made up of a JMFC and two social workers, one of whom is female.

The board is intended to be a kid-friendly environment that is not scary to the youngster. The place of safety will have separate arrangement and facilities for under trial children and convicted children.

(The Juvenile Justice board will perform frequent inspections of adult prisons to see whether any children are being held there and will take urgent action to transfer such a kid to the Observation Home.

12. Procedure of inquiry and trial

Cases of minor offenses must be resolved by the Board via summary procedures in accordance with the method specified by the Code of Criminal method 1973. Inquiries into major offenses will be handled by the Board in accordance with the method outlined in the Code of Criminal method, 1973.

Inquiry of heinous offences:

- I. For children under the age of sixteen on the date of the commission of an offence, the Board shall deal with the case under clause.
- II. For children over the age of sixteen on the date of the commission of an offence, the Board shall deal with the case under section 15

13. Child welfare Committee

Chapter 5 of the act provides for the formation of a CWC to exercise the powers and discharge the duties conferred on it in relation to children in need of care and protection, as well as to ensure that all members of the committee receive induction training and sensitization within two months of notification.

Within 24 hours, a child in need of care and protection must be brought before the Child Welfare Committee. The Act makes it necessary to report a kid who has been removed from his or her guardian. Non-reporting has become a criminal offense. The Child Welfare Committee must refer a child in need of care and protection to the appropriate Child Care Institution and instruct a Social Worker, Case Worker, or Child Welfare Officer to undertake a social investigation within 15 days.

The Child Welfare Committees shall meet at least 20 days in a month and the District Magistrate shall conduct a quarterly review of the functioning of the CWC. A child in need of protection and care will be placed in a Children's Home for care, treatment, education, training, development and rehabilitation.

14. Welfare institutions

It requires the registration of all children's homes, increasing openness and efficiency in the system. **Sections 43 and 44** authorize the State Government to establish open shelters and foster homes for the protection of children. **Section 47** of the act authorizes the State Government to construct such observation houses in each district as it considers necessary for the temporary reception, care, and rehabilitation of any child accused to be in violation of the law while any investigation under this Act is pending.

Several rehabilitation and social reintegration programs have been established

for children who have violated the law or who need protection and care. Children in institutional care get a variety of services such as education, health, nutrition, de-addiction, illness treatment, vocational training, skill development, life skill education, counseling, and so on to assist them adopt a productive role in society. Sponsorship and foster care, especially group foster care, are non-institutional methods for putting children in a family context other than the child's biological family, which is to be chosen, qualified, authorized, and monitored for giving care to children.

Section 48 of the act empowers the State Government to build such safety houses in each district as it considers necessary for the rehabilitation of children in conflict with the law who have been determined to have committed the crime and are put there by JJB order.

15. Adoption

Chapter 8 of the act contains laws concerning the eligibility of adoptive parents and the adoption process. To improve the efficiency of adoption processes for orphaned, abandoned, and surrendered children, the existing Central Adoption Resource Authority (CARA) is elevated to the level of statutory authority.

A separate chapter on Adoption contains extensive laws on adoption and penalty for failure to follow the prescribed process. Timelines for both in-country and inter-country adoption, including declaring a child legally free for adoption, have been simplified.

16. Confidentiality

Section 74 prohibits the disclosure of identity of children with respect to their name, address, school or any other particular in newspapers or any other media

17. Offences under JJ Act, 2015:

Offences under Juvenile Justice Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015, constitutes a crucial legal framework in India for addressing offenses related to children, particularly in the context of child abuse. In the districts of Southern Rajasthan— Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur—the implementation of the Juvenile Justice Act is of paramount importance in tackling child abuse.

This study delves into the various offenses specified under the Juvenile Justice Act, 2015, with a special reference to child abuse cases reported in 2024 within these districts.

The act encompasses a range of offenses, including physical, emotional, and sexual abuse, neglect, exploitation, and trafficking of children. Furthermore, this research investigates the impact of legal provisions and support systems on the victims of child abuse and their families.

It assesses the adequacy of existing infrastructure, training, and resources available to implement the act effectively.

By focusing on specific case studies and statistical data, the research provides a detailed account of how the Juvenile Justice Act, 2015, addresses child abuse in Southern Rajasthan.

The findings of this study are intended to offer valuable insights into the strengths and weaknesses of the current legal framework, paving the way for informed policy recommendations and improvements in the justice delivery system.

3.19 Probation of offenders Act, 1958

The Probation of criminals Act of 1958 is designed to provide a framework for the release of criminals on probation after appropriate reprimand, as well as to address related concerns. The current legislation has been implemented in light of the reformatory idea of punishment, aiming to provide offenders the chance to enhance their behaviour and reintegrate into society. The primary objective of this programme is to facilitate the rehabilitation process for those who have committed offences. When someone who has committed a single offence is incarcerated, they are exposed to other individuals who have also engaged in criminal behaviour. This interaction has the potential to significantly reduce the likelihood of their successful rehabilitation and reintegration into society.

The Supreme Court, in the case of Jugal Kishore Prasad v. State of Bihar, has reinstated the objective of the act, which aims to prevent the transformation of young offenders into hardened criminals due to their exposure to older, more experienced criminals during their imprisonment.

The aforementioned matter has been upheld by the Supreme Court of India in the case of Arvind Mohan Sinha v. Mulya Kumar Biswas. In this case, it was noted that the Probation of Offenders Act serves as a rehabilitative measure, aiming to reintegrate first-time offenders into society by providing them with opportunities for reform and reintegration. The legislation acknowledges the significance of environmental factors in the perpetration of criminal acts and establishes a mechanism by which convicts may be reintegrated and rehabilitated into society.

Section 3

Section 3 of the legislation pertains to the jurisdictional authority of the court in addressing certain categories of offenders. Section 3 is applicable in cases when an individual has been convicted of committing an offence that falls within the purview of sections 379, 380, 381, 404, and 420 of the Indian Penal Code (IPC). This provision is also applicable in instances when an infraction is punished by a maximum jail term of two years, or a fine, or both, as per the Indian Penal Code or any other relevant

legislation. The court has the authority to grant the release of the criminal subsequent to providing appropriate admonishment. The circumstances required for the implementation of Section 3 are as follows:

There is no evidence of any prior convictions against the individual who stands accused of committing an infraction. The court, in its judgement, deems it advantageous to find the individual guilty. The court may formulate its judgement by considering the nature of the offence and the characteristics of the individual involved. In the event that the aforementioned requirements are met, the court has the option to release the offender after a proper admonition, rather than imposing a sentence or granting probation based on good behaviour as outlined in section 4 of this legislation.

The court has the authority to exercise power, regardless of any conflicting provisions in other concurrent laws. Despite the existence of provisions in other laws that may contradict the powers granted to the court under this specific section, the provisions outlined in this section must take precedence.

In accordance with the third point, the court has the authority to release certain offenders after issuing a formal reprimand. In cases where an individual is determined to be culpable for violating **sections 379, 380, 381, 404, or 420 of the Indian Penal Code (45 of 1860)**, or any offence punishable by a maximum imprisonment term of two years, a fine, or both, as stipulated by the Indian Penal Code or any other relevant legislation, and no prior convictions are established against said individual, the court responsible for the guilty verdict, taking into consideration the circumstances surrounding the case, including the nature of the offence and the offender's character, may, despite any conflicting provisions in other applicable laws, deem it appropriate to take certain actions. Instead of imposing a punitive sentence or granting probation based on good behaviour as stipulated in section 4, it is recommended to release the individual after providing appropriate admonishment. For the purposes of this section, the term "previous conviction" must include any prior order issued against an individual under this section or section 4.

Section 4

Section 4 of the aforementioned legislation pertains to the jurisdiction of the court in granting probationary release to certain criminals based on their demonstration of good behaviour. Section 4 (1) is applicable in the following circumstances:

In this study, we aim to investigate the effects of a particular drug on the growth of an individual is determined to be culpable for having engaged in illegal behaviour. The offence that has been committed shall not carry a penalty of death or life imprisonment. The court, upon determining the individual's guilt, has the view

that it is advantageous to grant their release on probation contingent upon their demonstration of good behaviour.

(i) the specific circumstances surrounding the case,(ii) the inherent characteristics of the offence, and (iii) the personal attributes and history of the individual responsible for the offence.

In the event that the aforementioned requirements are met, the court has the option to refrain from immediately imposing any form of punishment onto the offender. Instead, the court may choose to instruct the offender to enter into a bond, which would require their appearance and acceptance of sentencing at a later time, as determined by the court, during the probationary period. The bond in question may be executed with or without the inclusion of sureties.

The duration of the probationary period will be determined by the court, with a maximum limit of three years. The probation order should stipulate that the individual must maintain peace and exhibit good conduct for the duration of the probationary term.

The provision outlined in **Section 4(1)** stipulates that an individual who has committed an offence will not be granted probation for exhibiting good conduct, unless the court is convinced that the offender or their surety, if applicable, possesses a permanent residence or consistent employment within the jurisdiction of the court or the location where the offender is expected to reside during the duration of their bond agreement.

In accordance with **Section 4(2)**, the court is required to examine the report, if available, from the relevant probation officer pertaining to the case prior to issuing any order under **Section 4(1)**.

According to **Section 4(3)**, the court is granted the authority to issue a monitoring order in cases where an offender has been released on probation of good behaviour, as determined by an order made under Section 4(1). The court will issue a supervision order if it determines that such an order is in the best interest of the offender and is necessary for the protection of the public. The court has the authority to issue a supervision order, which entails the need for the offender to be placed under the ongoing supervision of a designated probation officer, as specified in the order.

The duration of supervision will be stipulated in the order, with a minimum requirement of one year. The court has the authority to include conditions in a supervision order that it deems essential for effectively monitoring the offender.

Section 4, sub-section (4) outlines additional restrictions that are stipulated when a supervision order is issued according to section 4 (3). The court is obligated to mandate that the criminal, before to their release, engage into a bond that obliges them

to adhere to the restrictions outlined in the supervision order. The provision of a bond may necessitate its submission with or without the inclusion of sureties. In addition to the criteria specified in the supervision order outlined in **section 4(3)**, the court has the authority to impose additional conditions pertaining to matters such as residency and abstinence from intoxicants. These extra conditions are determined by the court based on the specific circumstances of the case. These restrictions are implemented to deter the repeat of the same offence or the conduct of other offences by the offender.

Section 5 of the aforementioned sub-section entails certain obligations that the court must fulfil when issuing a supervision order according to **Section 4(3)**. The court is responsible for providing a detailed explanation of the terms and circumstances of the order to the offender. Additionally, the court must promptly provide a copy of the supervision to each of the offenders, any sureties involved, and the relevant probation officer.

The summoning of a probation officer's report under **Section 4(2)** is not obligatory, but it is crucial, unless there are extraordinary circumstances where the court has enough evidence to support the use of discretion granted by Section 4 of the legislation.

“The court have the authority to provide probation of good behaviour to certain offenders”. (1) In cases where an individual is convicted of an offence that does not carry the penalty of death or life imprisonment, and the court responsible for the conviction believes that, considering the circumstances of the case, including the nature of the offence and the character of the offender, it is appropriate to grant probation based on good conduct, then, regardless of any other provisions. In accordance with any other applicable legislation, the court has the authority to exercise discretion in lieu of immediately imposing a punishment upon an individual. Instead, the court may opt to release the individual upon their agreement to enter into a bond, with or without the presence of sureties. This bond requires the individual to appear and receive their sentence when summoned by the court within a specified period, not exceeding three years, as determined by the court. Additionally, the individual must maintain peace and exhibit good behaviour during this interim period. However, it is important to note that the court may only grant such release if it is convinced that the offender or their surety, if applicable, possesses a permanent residence or regular occupation within the jurisdiction of the court or the locality where the offender is anticipated to reside during the duration of the bond. Prior to issuing any order as stated in subsection (1), the court is required to evaluate the report, if available, from the relevant probation officer pertaining to the specific case. When a court issues an order as described in sub-section (1), it has the discretion to also issue a supervision

order if it believes it is in the best interests of the offender and the public. This supervision order would require the offender to be supervised by a designated probation officer for a specified period of at least one year. The court may also impose any necessary conditions in the supervision order to ensure proper supervision of the offender.

The court, when issuing a supervision order as outlined in **sub-section (3)**, is obligated to mandate that the offender, prior to their release, enter into a bond. This bond may or may not require sureties and is intended to ensure compliance with the conditions specified in the order. Additionally, the court may impose further conditions related to matters such as residence, abstention from intoxicants, or any other relevant factors, as deemed appropriate based on the specific circumstances. These conditions are intended to prevent the offender from engaging in similar offences or committing new offences.

The court, upon issuing a supervision order as outlined in **sub-section (3)**, is required to provide a clear explanation of the terms and conditions of the order to the offender. Additionally, the court must promptly provide a copy of the supervision order to each of the offenders, any sureties involved, and the relevant probation officer. It was further emphasised that in accordance with Section 4 of the legislation, the characterization of the offence serves as a significant factor in evaluating whether the criminal in question is eligible to receive the benefits provided by the provisions of the Act. The individual's age would be an additional pertinent element. The contextual factors surrounding the commission of the offence may constitute a significant aspect to be taken into account.

Section 6

This clause pertains to the limitations imposed on the incarceration of individuals who are below the age of 21 and have committed offences. In cases when an individual is convicted of an offence that carries a penalty of imprisonment, the court is prohibited from imposing a jail term. The aforementioned limitation is not applicable in cases when the offence committed carries a potential penalty of life imprisonment. No individuals who are below the age of 21 will be subject to imprisonment, unless the court determines that it is not advisable to handle their case in accordance with Section 3 or Section 4 of the aforementioned legislation. The court's level of satisfaction will be contingent upon the specific circumstances surrounding the case, the inherent nature of the conduct committed, and the personal characteristics and history of the individual responsible for the offence. If the court imposes a term of imprisonment on individuals under the age of 21, it is required to provide a detailed explanation for its decision.

According to paragraph (2), the court is required to get a report from the probation officer in order to determine whether it would be appropriate to proceed under section 3 or with an offender as outlined in subsection (1) of this section. When making the aforementioned choice, the court should take into account the probation officer's report as well as the physical and mental state of the offender. Therefore, the court will make a determination after taking into account the aforementioned factors as to whether it is appropriate to handle the offender under **Section 3 or Section 4**.

The limitations pertaining to the incarceration of individuals below the age of twenty-one.

(1) In cases where an individual below the age of twenty-one is convicted of an offence that carries a prison sentence (excluding life imprisonment), the court responsible for the conviction is prohibited from imposing imprisonment unless it determines that, considering the specific circumstances of the case, including the nature of the offence and the characteristics of the offender, it would be inappropriate to handle the case under **section 3 or section 4**. If the court does decide to impose a prison sentence on the offender, it is required to provide a written explanation for this decision. (2) In order to ascertain whether it would be appropriate to handle an offender mentioned in subsection (1) under section 3 of section 4, the court is required to request a report. The probation officer should carefully review the report, if applicable, together with any other relevant material pertaining to the offender's character, physical well-being, and mental state.

In the case of *Mohd. Aziz vs. State of Maharashtra*, it was determined that section 6 establishes a prohibition, separate from the provisions outlined in section 3 or Section 4, which prohibits the imposition of a prison sentence on an individual under the age of 21 who has been convicted of a non-life imprisonment offence. However, the court may deviate from this prohibition and impose a prison sentence if it is deemed undesirable to handle the individual under **section 3 or Section 4**, with the reasons for such a decision being duly recorded. The restriction on the authority of the court to impose a jail term is applicable not only during the trial court proceedings but also throughout the appellate or revisionary stage in the High Court or any other court, in accordance with **section 11(1)** of the aforementioned act. Hence, it is evident that although the issue concerning the applicability of section 6 was not raised before the presidency magistrate or the high court, the Supreme Court, in its appeal by special leave under article 136 of the constitution, is obligated to acknowledge the provisions of that section and afford its advantages to the accused appellant.

In the case of **Daulat Ram vs. State of Haryana**, it was determined that the purpose of section 6 is to ensure that juvenile offenders are not incarcerated for minor

offences, as this poses a significant threat to their development and outlook on life due to their proximity to experienced and potentially dangerous criminals who may be incarcerated alongside them. The period of incarceration might potentially serve as a catalyst for individuals to become more entrenched in criminal activities, rather than fostering their rehabilitation. This course of action will undoubtedly result in adverse consequences rather than beneficial outcomes, and may potentially have detrimental effects on the broader welfare of society. The inclusion of **section 6** in this legislation may be attributed to the rationale behind the required injunction against the imposition of a jail term.

Section 12

This section stipulates that in cases where an individual is convicted of an offence and is subject to the procedures outlined in section 3 or section 4 of this legislation, they must not be subject to any disqualification that may be imposed as a result of a conviction under any other law. The laws pertaining to the removal of the disqualification that accompanies a conviction must be applicable, regardless of any rules to the contrary that may be included in any other legislation.

The elimination of disqualification associated with a conviction. Irrespective of the provisions of any other legislation, an individual who has been convicted of an offence and processed under section 3 or section 4 will not face any disqualification that is typically associated with a conviction under said legislation. However, it is important to note that this exemption does not apply to an individual who, subsequent to their release under **section 4**, receives a subsequent sentence for the initial offence.

The Commission for **Protection of Child Rights Act of 2005** is a legislative framework that aims to safeguard the rights and well-being of children. The preamble of the legislation elucidates its purpose of establishing a centralised entity at the national level and regional entities at the state level, with the aim of safeguarding the rights of children. Additionally, the law seeks to create specialised courts dedicated to expeditiously adjudicating cases involving offences committed against children and violations of their rights. The kid and anything pertaining to or associated with it. The purpose of enacting this Act was to implement the criteria outlined in the Convention on the Rights of the Child (CRC) and other pertinent international agreements. Under the provisions of this Act, both national and state commissions have been created, endowed with expansive authority, and mandated by law to fulfil a diverse range of obligations. The act further provides specialised courts for juveniles, facilitating the expeditious resolution of cases involving offences against children or violations of children's rights. In accordance with the concurrence of the President of the Supreme Court in their separate higher courts, the state governments institute a minimum of one

regional court or court of appeal for each district, specifically designated as a Children's court. It is essential for the state government to appoint a specialised prosecutor to oversee proceedings inside this court. The enactment of this legislation addresses a longstanding need for the creation of national and state commissions aimed at safeguarding the rights of children, including entities such as the NHRC, NWC, and NMC. The topic of discussion pertains to labour laws. There exists a multitude of labour laws that encompass provisions pertaining to child workers and young workers. These laws, in accordance with Article 24 of the Constitution of India, aim to address the issue of child labour and mitigate the mistreatment experienced by children in industrial establishments. A limited number of legislation will be covered in the following sections.

The Factory Act of 1948

The Factory Act was implemented with the aim of standardising and regulating the operations of manufacturers on a national scale. The document has many provisions pertaining to children, which are delineated as follows:

The word "child" is defined as an individual who has not yet attained the age of fifteen. The employment of youngsters in close proximity to cotton openers is prohibited. The legislation addresses the issue of excessive weight that workers may be required to lift, and furthermore places an obligation on the State Government to establish regulations specifying the maximum weight that children are permitted to lift. The regulation prohibits the employment of individuals under the age of 14 in any industrial establishment. The legislation further included regulations for the permissible duration of employment for individuals between the ages of 15 and 18 in manufacturing settings. For instance, the regulation stipulates that individuals should not engage in labour for a duration exceeding four and a half hours. Additionally, it imposes restrictions on the employment of female minors, specifying that they may only work in factories between the hours of 8 a.m. and... The time specified is 7 p.m. The plant manager is required to keep a registry of child workers.

Child labourers should also be entitled to get yearly leave with remuneration. Additionally, there should be provisions for penalising parents, guardians, or those responsible for the child's care if the youngster is found to be engaged in dual employment, meaning working in two workplaces concurrently.

The Minimum Wages Act of 1948

The Minimum Wages Act of 1948 is a significant piece of legislation in India that establishes the framework for determining and enforcing minimum wage rates across various industries and occupations.

The aforementioned legislation was enacted with the primary objective of safeguarding the well-being and interests of workers. The purpose of enacting this

legislation is to safeguard the well-being of workers, namely child workers, in a competitive market. It does this by establishing a minimum wage requirement for certain types of employment. The legislation defines a child as an individual who has not yet attained the age of fourteen. Additionally, it facilitates the establishment of various provisions, such as the determination of the minimum time rate of earnings, minimum piece rate, guaranteed time rate, and overtime rate, tailored to particular vocations, locations, or classes of labour, and applicable to individuals of varying age groups, including adults, adolescents, children, and apprentices.

The subject of discussion is the Mines Act of 1952.

The purpose of this legislation is to regulate mining activities and provide requirements for the working conditions and safety measures that must be implemented to protect the people engaged in mines. The aforementioned legislation explicitly prohibits the employment of anyone under the age of 18 in mining operations. Mining is often recognised as being among the most hazardous vocations. Nevertheless, it is permissible for apprentices and trainees who are at least 16 years old to engage in mining activities, provided that they are under the direct supervision of a manager. In addition, the presence of individuals who are under the age of 18 is strictly forbidden inside mining facilities.

The Apprentices Act of 1961

The aforementioned legislation pertains to the oversight and management of apprenticeship training in various crafts, as well as related topics. According to the provisions outlined in Section 3, individuals who are at least 14 years old are eligible to be employed as apprentices for the purpose of receiving training in a certain profession. It is important to acknowledge that this legislation does

The Beedi & Cigar Workers (Conditions of Employment) Act, 1966

The purpose of this legislation is to ensure the well-being of employees working in beedi and cigar enterprises and to create regulations for their working circumstances. The definition indicates that a kid is an individual who is under the age of 14. It further categorizes those between the ages of 14 and 18 as young persons. The regulation forbids the hiring of minors in any industrial facilities and sets certain working hours for those under the age of majority, from 6 a.m. to 7 p.m. Additionally, it requires that young people be compensated for their yearly leave based on a ratio of one day for every fifteen days of labour completed in the preceding year.

The Child Labour (Regulation & Prohibition) Act, 1986

Despite the implementation of several laws with measures aimed at eradicating child labour, it has become evident that child labour continues to persist as an issue. With the aim of preventing exploitation, efforts have been undertaken to control the

circumstances surrounding child labour in places where its occurrence cannot be circumvented. The Child Labour (Prohibition and Regulation) Act of 1986 was passed by Parliament, which abolished the Child Employment Act of 1938.

Child labour is prohibited in some occupations and industries, while working conditions in other fields are regulated by legislation. Minors are prohibited from engaging in labour-intensive activities such as bidi manufacture, carpet weaving, cement production, soap production, dyeing, tanning, weaving, pairing, explosives and pyrotechnics manufacturing, mica cutting and partitioning, as well as building work and construction. The prohibition only pertains to an individual who has not yet attained the age of fourteen. Violations of the provisions that prohibit the employment of children in specific occupations can result in sentences ranging from three months to two years, or fines ranging from Rs 20,000 to Rs 50,000'. These measures aim to protect child workers who are not involved in hazardous occupations and are subjected to demanding work processes. This Act also imposes restrictions on the duration of continuous labour for youngsters. The primary goal of this program is to decrease the occurrence of child labour in the designated project area and advocate for the eradication of child labour.

The **2006 Amendment Act** revises the Schedule (Part-A) by adding it to the roster of occupations where the employment of minors is forbidden. This amendment explicitly forbids the hiring of minors as household staff and the employment of minors in dhabas, restaurants, hotels, teahouses, resorts, or other establishments for leisure activities. It is important to note that a new amendment was introduced in 2016, which made significant modifications to the previous statute of 1986. These changes are outlined below:

- The modification expanded the range of the 1986 Act with regards to child labor and included more severe penalties for violators.
- This amendment has universally prohibited the employment of individuals under the age of 14 in any profession or business, with the exception of those operated by their immediate family, as long as it does not interfere with the child's education.
- This modification has introduced a new classification of individuals known as "adolescents". Adolescents, aged 14 to 18 years, are defined and classified as minors. They are strictly prohibited from engaging in any dangerous jobs.
- The legislation designates child labor as a cognizable offense. Currently, the act of employing minors under the age of 14 will result in a prison sentence ranging from 6 months to 2 years (before it was 3

months to 1 year), or a fine ranging from twenty-thousand to fifty-thousand rupees, or both, for the first offense. Recidivists will be subject to incarceration ranging from 1 to 3 years (or 6 months to 2 years). If the criminal happens to be a parent, the legislation offers a lenient penalty and suggests a punishment of Rs.10,000 for every subsequent offense committed by the parent.

- The legislation includes a provision for establishing a Rehabilitation Fund to support the rehabilitation of children.
- The three vocations specified under the Factories Act are mining, handling inflammable chemicals, and engaging in hazardous activities.

The Immoral Traffic (Prevention) Act, 1956

As India became a signatory to the UN Convention on the Elimination of All Forms of Sexual Trafficking in Persons on May 9, 1950, this law was enacted to quell the unethical trade in children and women. To “prevent the immoral traffic,” this Act was passed. The PITA became increasingly gender-neutral after two revisions in 1978 and 1986, respectively. There are twenty-five parts and one schedule to this bill, and its purpose is to put an end to the unethical practises of prostitution and trafficking in India. Anyone who has not yet turned sixteen is considered a kid, according to the law. The Act specifies a penalty for relying on a prostitute’s income under Section 4. If it is discovered that someone is making a living by prostituting children or minors, the penalties can be severe: two years in prison, a fine of Rs. 1000, or both. The minimum sentence is seven years, and the maximum is ten years. Being over the age of eighteen is one of the requirements of this clause. It establishes severe penalties, ranging from 7 years to LI, for the acquisition of a minor for prostitution or for inducing a kid to travel from one location to another for prostitution.

In **Delhi High Court Legal Services Committee v. Union of India** While reviewing the case of children discovered in brothels, the High Court made it crystal clear that these children “must be under the protective umbrella of CWC as a child in need of protection” and cannot be sent to the Juvenile Justice Board as a juvenile offender.

Pre- conception and Pre- Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

The decrease in the number of females in the 0-6 age range may be attributed, in part, to female feticide. The Law on Prenatal and Prenatal Diagnostic Techniques (Prohibition of Gender Selection) was updated in 2003 from the Law on Pre-conception and Prenatal Diagnostic Techniques (PC & NDT) that was established in 1994 in order to combat this cruel practice. To prevent the abuse of prenatal diagnostic

procedures and bias, the legislation outlaws gender selection both before and after conception. To reverse the falling sex ratio in India and put an end to female feticides, it imposes punishments. Prenatal sex assurance is limited by the act.

Family Laws:

There are several provisions under Hindu Law which pertains to children and their rights.

The Hindu Marriage Act, 1955

Hindu Marriage Act, 1955 Section 16 grants legitimacy to children born of an invalid marriage. This provision was upheld by the Supreme Court under Article 14 because it recognizes all illegitimate offspring as belonging to the same category for the purpose of conferring legitimacy. However, like no one had the legal right to inherit the family estate. “A child born in illegitimate relationship/void marriage is innocent and is entitled to all the rights to property to which his parents are entitled, whether ancestral or self-acquired property,” the Supreme Court ruled in the case of *Revanasiddappa v. Mallikarjun*. Section 16(3) of the HMA states that “such children are only entitled to the property of their parents and not of any other relation.” The Supreme Court disagreed with previous rulings on this matter and issued this conclusion. According to the court, the purpose of the change was to clarify Section 16’s meaning, and the provision in question must be construed in light of the statute’s equity provisions as well as Articles 39(f) and 300-A of the Constitution. This measure protects illegitimate offspring from the social shame that would otherwise befall them and ensures that they will have financial stability in the future as they become entitled to their parents’ property.

The Hindu Adoptions and Maintenance Act, 1956

Hindu adoptions are now governed under the Hindu Adoption and Maintenance Act of 1956. For legal reasons, the term “Hindus” is defined explicitly in the statute. Although the JJ Act of 2015 did close some of the adoption loopholes, it is still open to other groups in India. Among the many provisions of this statute pertaining to adoption are:

- a) Unless the child’s natural guardian relinquishes custody, adoption in the nation is considered a private matter between the biological parents and the adoptive parents and does not need judicial scrutiny or permission.
- b) Hindu law recognizes the possibility of adoption for married men, widows, widowers, single women, and women who have been divorced or abandoned.
- c) The father has the right to place his kid for adoption—but he can’t do so without his wife’s permission, who is also the child’s mother. It is not permissible to adopt a child without the mother’s agreement. In cases when the father has passed away, renounced Hinduism entirely, or is no longer a Hindu,

the mother has the choice to place the kid for adoption.

- d) Laws mandate a minimum age gap of 21 years between adoptive parents and adopted kid, in cases when the parents are of different sexes, to protect the adopted child from sexual abuse.
- e) If an adoptive Hindu parent already has a Hindu son, a son's son, or a grandson's son alive at the time of adoption, they are not allowed to adopt a son. Similarly, no one may adopt a girl if they already have a Hindu daughter or if the daughter of a Hindu son is alive while the adoption is being considered.
- f) The Act additionally states that no one shall accept any kind of compensation in exchange for an adoption, and it stipulates a penalty of up to six months in jail or a fine, or both, for anybody found guilty of violating this provision. To prevent the sale of children for the purpose of adoption, this clause is in place.

Hindu Minority and Guardianship Act, 1956

This Act governs natural guardians of minor children and their property obligations, such as not mortgaging or charging minor property without court approval. The minor may nullify any guardian property disposal. The court may also appoint a guardian, but the child's wellbeing must come first.

The Guardians and Wards Act, 1890

This secular legislation has broad norms that apply to Hindus. This legislation exclusively governs minors' property and person guardianship. For the minor's interest and in conformity with the law, the court will consider the circumstances while appointing or designating a guardian. The court prioritizes the child's best interests.

The Prohibition of Child Marriage Act 2006

A major issue in society today is child marriage, which kills seeds before they grow. Child marriage denies a person all of society's chances since they may not have developed before marriage. If a child doesn't respect connections or know who to care for, their parents' forced involvement in them causes hassles and obligations that impair their personal life. From the Sharda Act's experience, introducing a new idea was easy, and the legislation was expected to be improved to prevent child marriage and other problems. The Indian Parliament enacted the "Child Marriage Prohibition Act 2006". It obtained presidential clearance on January 10, 2007. Although the new rule prohibiting child marriage has numerous benefits, efforts are being made to concentrate on its new faults and notions. It defines kid as a person under 21 for boys and 18 for girls. The law plainly indicates that child marriages are reversible if the bride was a minor. It also legitimizes children born from annulled child marriages

under section 3.

Information Technology Act, 2000

The Information Technology Act, 2000 underpins Indian cyber legislation. It was revised in 2008 to increase its scope, and the Standing Committee and Expert Committee for the Information and Technology (Amendment) Bill advocated criminalizing child pornography. Based on suggestions, Section 67B of the IT Act criminalized child pornography in India. According to this clause, first-time offenders face five years in jail and a ten lakh rupee fine, while repeat offenders face seven years and a ten lakh rupee fine. Note that the IT Act criminalizes child porn but not adult porn. The IT Rules of 2011 and Section 79 of the IT Act require intermediaries to take reasonable care in their tasks and alert computer resource users to reply. These restrictions alone are not enough to combat Dark Web child pornography, thus a stricter legislation that holds parties accountable is needed.

Protection of Children from Sexual Offences Act, 2012.

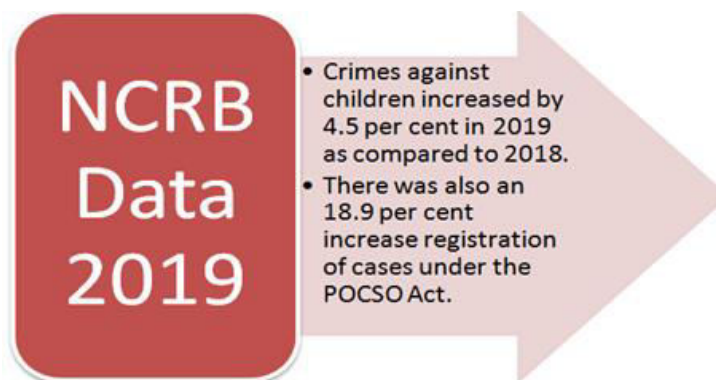
Figure shows the Act Scheme:



Figure 1: Forms of Child Sexual Abuse under POCSO Act

When the victimized youngster is mentally ill or the abuse is done by a powerful person, the offenses are “aggravated.” The Act imposes life imprisonment and a fine based on the severity of the crime. The POCSO Act also prevents re-victimization, makes legal procedures child-friendly, and emphasizes the “child’s best interest.” It incorporates child-friendly mechanisms for correct reporting, reliable evidence recording, investigation, and expedited prosecution of offenses, as well as in-camera and without trials. Exposing the child’s identity in Special Courts. This also allows the Special Court to determine a child’s sexual abuse compensation, which goes toward medical treatment and rehabilitation. It mandates Special PPs and Special Courts with child-friendly reporting, evidence recording, investigation, and quick prosecution of offenses. The Act prescribes harsh punishments based on the crime.

Figure: The NCRB’s “Crime in India” 2019 report which was released in September 2020 has revealed the following Data



Chapter-2 of POCSO Act, 2012 provides for several forms of sexual offences which are committed against children. They are discussed here under: Penetrative Sexual Assault and its aggravated form

Section 3 defines Penetrative Sexual Assault, and **Section 4** describes its penalty. Persons commit penetrative sexual assault if: ***when Penetrative Sexual Assault occurs.***

- When Penetrative Sexual Assault Occurs**
1. penetrates his penis (to any extent) into the mouth, vagina, urethra or anus of the child, or
 2. inserts (to any extent) any object or a part of his body (except penis) in the vagina, the urethra or anus of the child; or
 3. manipulates any part of the body of the child to cause penetration into the urethra, vagina, anus or any part of body of the child; or
 4. Applies his mouth to the vagina, penis, urethra, anus of the child.

He commits a crime if he forces a youngster to perform any of the following with him or another person. Punishment: penetrative sexual assault is punishable by 10 years to LI imprisonment and a fine. This sentence was increased from 7 years to life by the 2019 Amendment. Section 4 of the Amendment Act of 2019 established new penalty for violating section 3 on a minor under 16 years old, including 20 years to LI and a fine. Section 4 requires that the fine be equitable and rational, given to the victim for medical costs, and used for rehabilitation.

Aggravated form of Penetrative Sexual Assault:

Section 5 defines aggravated sexual assault. Means if penetrative sexual assault is committed by:

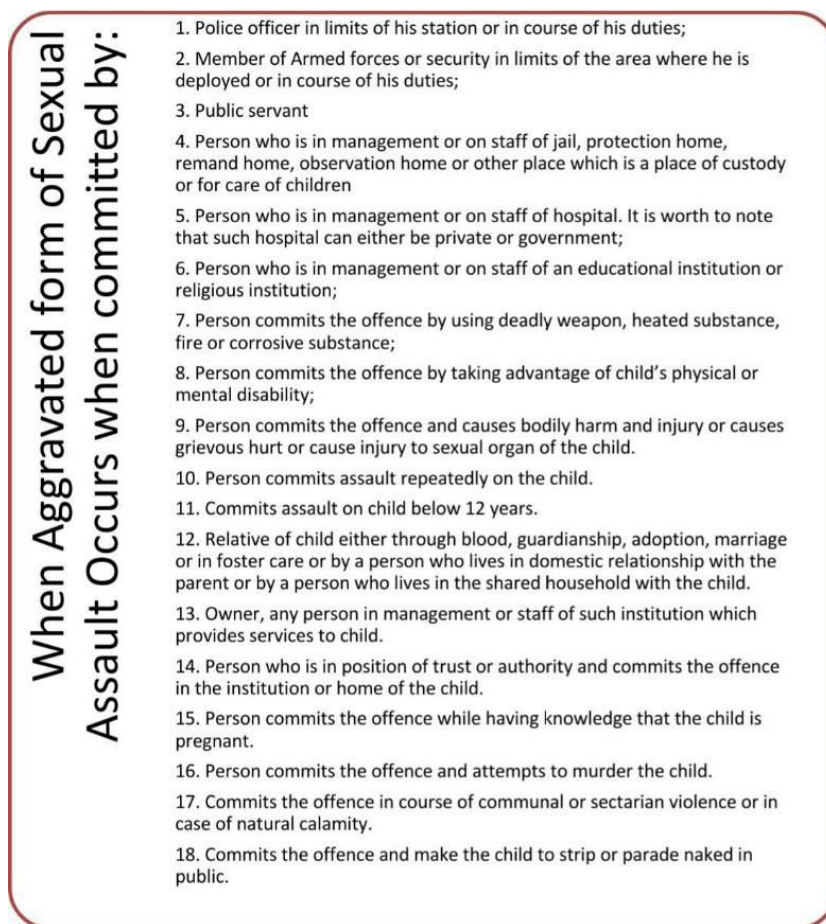


Figure 4: Aggravated form of Penetrative Sexual Assault

If the person physically disables the child, induces a psychiatric disorder, impairs the child's ability to perform regular tasks, causes pregnancy of a female child, infects the child with HIV or other life-threatening diseases, or kills the child, they are also guilty of aggravated penetrative sexual assault.

This clause also covers gang-penetrative sexual assault on children and holds all parties accountable if the crime is performed in pursuance of a common aim. A previously convicted POCSO Act offender who conducts penetrative sexual assault on a minor is considered to have committed aggravated sexual assault.

Section 6 punishes serious penetrative sexual assault. It states that serious assault is punishable by harsh imprisonment for 20 years to LI (life in prison) or death and fine. Thus, the punishment should be fair and recompense the victim for medical and reintegration costs. This sentence was increased from 10 years hard imprisonment or life by the 2019 Amendment.

Sexual Assault and its Aggravated form

Section 7 defines the offence of Sexual Assault and its punishment is provided under section 8. Sexual Assault means:

When Sexual Assault Occurs: when any person touches the penis, vagina, breast or anus of the child with sexual intent or makes such child to touch the penis, vagina, breast or anus of such person or of any other person. It also involves any other act done with sexual intent which involves physical contact with child without penetration.

Figure 5:

Punishment 7: It carries a 3–5-year sentence and fine.

Section 9 defines aggravated sexual assault. It also defines Aggravated Sexual Assault for powerful people. Its wording resembles section 5.

The 2019 Amendment Act included sub-section 9 (v) that makes it aggravated sexual assault if a person gives a minor a medicine, chemical, or hormone to help them reach sexual maturity sooner. This is a positive inclusion since law recognizes child trafficking and prostitution as prohibited.

Section 10 punishes aggravated sexual offenses.

This sentence was increased from three to five years by the Amendment Act of 2019.

Sexual Harassment

Section 11 defines the offence of Sexual Harassment and its punishment is provided under **section 12** As per it, Sexual Harassment is committed when a person does any of the following acts with sexual intent:

Punishment of Aggravated Sexual Assault: Whereby if any person commits aggravated sexual assault then he is liable for punishment of imprisonment for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

When Sexual Harassment occurs:

- (i) utters any word or makes any sound, any gesture or either exhibits any object or any part of body with the intention that child hears such word or sound or see such gesture or object or part of body;
- (ii) makes a child to exhibit his body parts to such person or any other person;
- (iii) shows any Pornographic content in form of object or media to a child;
- (iv) repeatedly stalks a child either directly or through any digital means;
- (v) threatens child to use, any real or fabricated depiction of child's any part of the body involvement of the child in a sexual act through electronic or any digital means; or
- (vi) entices a child for pornographic purposes or gives gratification .

Figure 6: sexual harassment

This section explains that sexual intent questions are factual. The penalty for sexual harassment is three years and a fine.

Child Pornography

Chapter 3 of the Act covers child pornography⁴. Section 2(1)(da) of the 2012 Act defines “child pornography”. It defines it as any visual portrayal of sexually explicit action when a kid is involved and may include a picture, video, digital, or computer-generated image that may be indistinguishable from a genuine child or a child-like image. Here, chapter 3 provisions are examined.

1. Section 13,14 – Use of Child for Pornographic

how a child is used for porno-graphic purposes. whoever, uses a child in any form of media i.e., as advertisement on TV or on internet or in any other e-form or printed form (whether it is for personal use or for purpose of distribution). And use of child is for the purposes of sexual gratification, which may include representation of the sexual organs of a child; usage of a child engaged in real or simulated sexual acts which may be with or without penetration; the indecent or obscene representation of a child, then such person shall be held to be guilty of the offence of using a child for pornographic purposes.

Purpose and punishment thereof:

Figure 7: How a Child is used for pornographic purpose

⁴ Child pornography (also abbreviated as CP, also called child sexual abuse material[1] (known by the acronym CSAM, underscoring that children cannot be deemed willing participants under law, child porn, or kiddie porn) is erotic material that depicts persons under the designated age

Section 14 covers punishment for pornographic child usage. If someone employs a kid or youngsters for pornographic purposes, they face a 5-year sentence and a fine. This clause also increases penalties for repeat offences. In a second conviction, the defendant faces 7 years and a fine. Subsection 14 of this section specifies that if a person uses a kid for pornographic purposes and commits another POCSO Act offence, they will be punished in addition to the aforementioned period.

Section 15- Punishment for storage of pornographic material involving child:

The storage of pornographic material involving children is a grave offense under Indian law, reflecting the nation's stringent stance against child exploitation and abuse. The Protection of Children from Sexual Offenses (POCSO) Act, 2012, along with subsequent amendments and the Information Technology (IT) Act, 2000, prescribe severe penalties for the possession, distribution, and production of child pornography. This study focuses on the legal ramifications of such offenses within the districts of Southern Rajasthan—Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur—emphasizing the enforcement of these laws in 2024.

Under Section 14 of the POCSO Act, any individual found storing pornographic material involving children is liable to face rigorous imprisonment for up to three years and a fine.

The Information Technology (IT) Act further bolsters these legal provisions by incorporating a framework that directly addresses crimes committed in the digital realm, particularly in relation to the creation, distribution, and consumption of child pornography. Given the pervasive integration of technology into daily life, the IT Act acknowledges the significant role that digital platforms, including social media, websites, and encrypted messaging services, play in facilitating the exploitation and abuse of children. The law mandates stringent penalties for those involved in producing, storing, transmitting, or accessing child sexual abuse material (CSAM) online, ensuring that offenders are held accountable for their actions in cyberspace.

In regions such as Southern Rajasthan, the importance of these legal measures is heightened by the increasing availability and use of digital devices like smartphones, computers, and tablets. With greater internet connectivity, especially in rural and remote areas, children become more vulnerable to online predators and the risk of

exposure to harmful content, including child pornography.

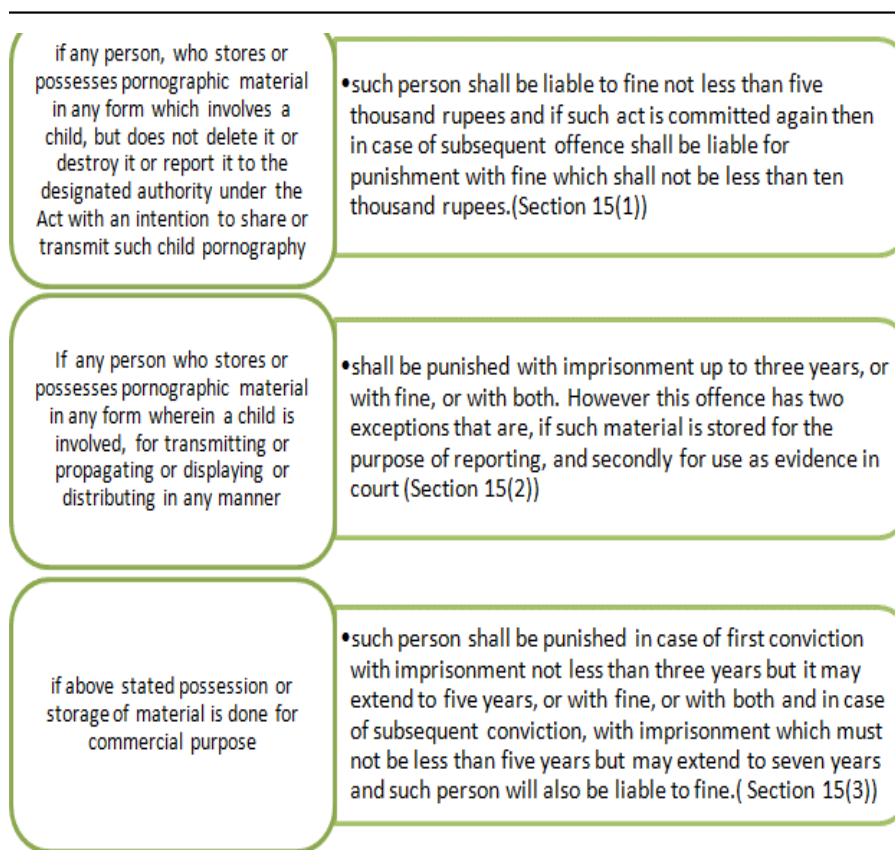
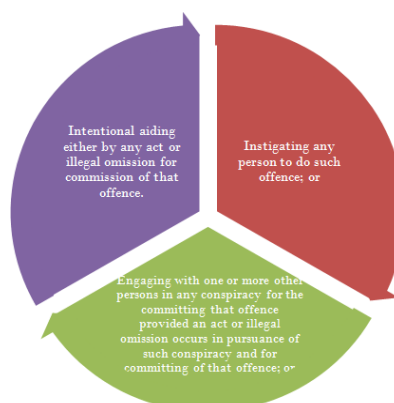


Figure 8:

15 Abetment and Attempt of offences

Chapter 4 covers abetment⁵ and attempt. The Act recognises that criminal intent, even if unsuccessful, should be punished. Under the Act, attempting a crime is penalised by half the penalty.



⁵ A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

The acknowledgment of intent to inflict injury, which might result in half the sentence for the specific offence, is also important. Abetting a POCSO Act crime is defined under Section 16. This concept resembles Abetment in the Indian Penal Code, 1860. Someone abets a crime by:

Figure 9: How Abetment is done?

This section includes three explanations.

Explanation 1 defines instigation.

Explanation 2 defines assistance

Explanation 3 expands it to include harbouring, forced child transportation, etc.

Section 17 penalises abetment. It states that if a person abets an infraction under this Act and the crime is committed as a consequence, the person shall be chastised in line with the sentence.

Section 18 punishes attempted offences. According to it, if a person tries to commit a POCSO Act-prohibited act and conducts any behaviour that contributes to the attempt, offence, he or she will get half the maximum jail time, a fine, or both.

Reporting of Cases

Case reporting is covered in Chapter 5.

This includes reporting child sexual abuse information by media, studio, and photography facility staff. These requirements are under POCSO Act, 2012 sections 19 and 20. Sections 21 and 22 of this Act sanction non-reporting while section 23 states the media's duty.

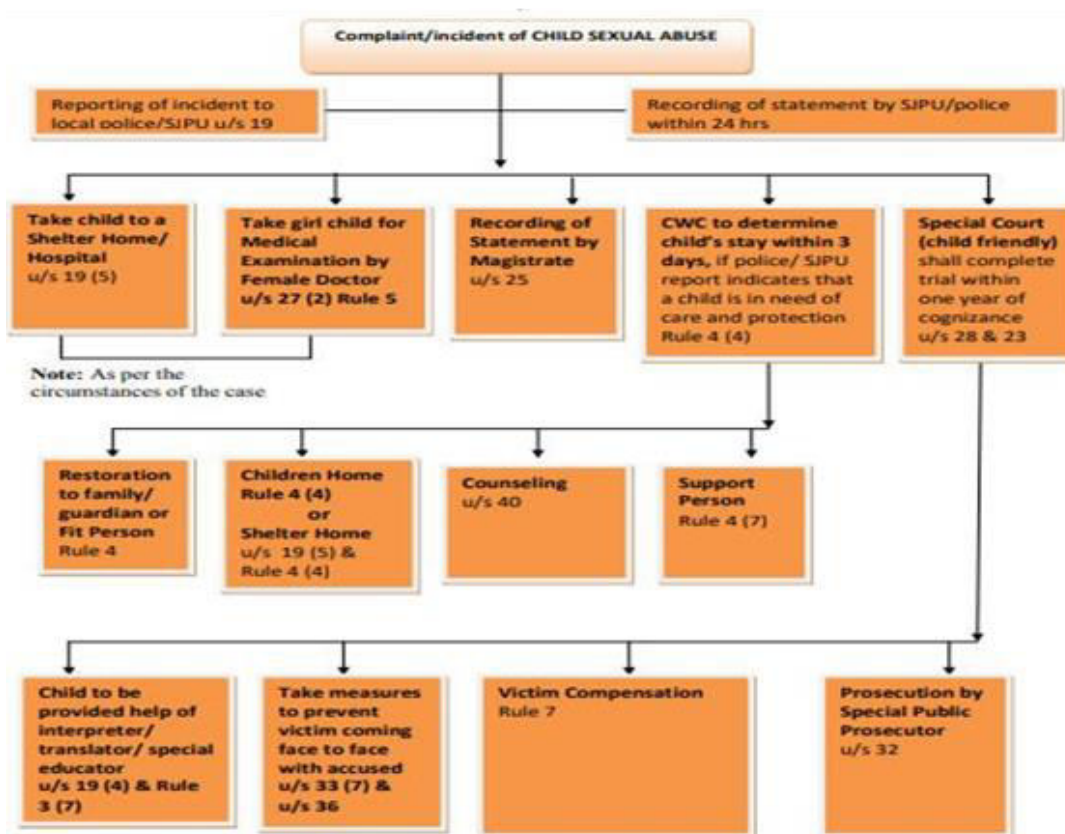
Section 19 specifies that anybody with knowledge or suspicion of a POCSO offence must notify the SJPU or local police. If supplied in good faith, such information does not subject the giver to civil or criminal responsibility.

Section 20 of the POCSO Act, 2012 requires media, studio, and photography facility staff to report any content or material that sexually exploits a minor to SJPU or the local police.

Besides these provisions, Rule 11 of POCSO Rules of 2020 requires

intermediaries to report Child Pornography material or information about its storage and transmission to Special Juvenile Police Unit or local police.

Abuse Punishment in case of non-reporting:



**Figure 10: Complaint procedure for Child Sexual Abuse
Punishment in case of non-reporting:**

Section 21 punishes non-reporting as in sections 19 and 20. According to it, if a person fails to report an occurrence under section 19 or 20 and the police officer does not record the report, they will be penalised for up to 6 months/fine/both.

This clause further specifies that if a corporation or institution manager fails to report a subordinate control, the leader will be fined and imprisoned for up to a year. The term 'person' in this section does not include 'child'.

Establishment of Special Court

Chapter-7 provides for the provisions in relation to Special Courts. The provisions are discussed here under:

This clause further clarifies the consequences for managers in corporations or institutions who fail to report any misconduct or oversight involving their subordinates. In such cases, the manager in question can face legal penalties, including financial fines and imprisonment for a maximum duration of one year. The intent behind this clause is to emphasize accountability and ensure that leadership within organizations adheres to their responsibility in overseeing and reporting the actions of those under their supervision. Additionally, the clause provides an important distinction regarding the definition of the term 'person' as it is applied here. Specifically, it states that 'person' does not include children, which means that any provisions or obligations outlined in this section do not extend to minors. This exclusion could be based on the legal understanding that children lack the requisite capacity or responsibility to be subject to the same rules and consequences applied to adults in such contexts.

The establishment of Special Courts is a critical step in the judicial system of India, aimed at addressing the specific and sensitive nature of cases related to child abuse and sexual offenses. Under the Protection of Children from Sexual Offenses (POCSO) Act, 2012, the creation of Special Courts is mandated to ensure that cases involving child victims are handled with the utmost care, speed, and sensitivity.

<p><i>Special Courts:</i></p> <p>Section 28 provides for Designation of Special Courts. As per it, State Government will in consultation with the Chief Justice of the High Court and by a notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act to provide speedy justice. And where a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or any Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court. Court constituted under this Act, shall also have jurisdiction to try offences under section 67B of IT Act when it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.</p> <p>Section 28 (1) Section 28 (3)</p>	<p><i>Application of code of criminal procedure:</i></p> <p>section 31 provides that the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bail and bonds) will apply to the proceedings before a Special Court and the Special Court shall be deemed to be a court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.</p>	<p><i>Special Public prosecutor :</i></p> <p>Section 32 provides that State Government must appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act, by a notification in official gazette. Eligibility for a Special Public Prosecutor is that he had been in practice for not less than seven years as an advocate. And every such person so appointed as a Special Public Prosecutor will be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973.</p> <p>Section 32</p>
---	---	--

Procedure under POCSO Act:

POCSO Act establishes kid-friendly and child-sensitive procedures for capturing child statements and evidence. Provisions are detailed below: **punishment for false reporting: Section 22** punishes misleading complaints and information. According to it, if a person makes a false complaint or gives false information about a person for offences under sections 3,5,7, or 9 with the intent to humiliate or extort money, they will be punished for up to six months/fine/both. A youngster who makes a fraudulent complaint or statement is not punished under the Act. Section states that if a complaint is made against a kid to victimise him, the perpetrator shall be fined or imprisoned for one year.

Section 23 prohibits media from commenting on or identifying children. If so, the publisher or owner of media will be jointly and severally accountable for staff actions. If this clause is violated, the penalty is 6 months to 1 year.

Recording of Statement: A sub-inspector-level female police officer must record the child's statement at their house or a venue of their choosing. Officers must not be in uniform while taking statements.

- During the investigation, police must prevent kid contact with the accused.
- Children should never be kept in police precincts late at night. Police are responsible for concealing the child's identity from the media.

Section 25 allows magistrates to record kid statements. As per section 164 of the Criminal Procedure Code, 1973, the Magistrate must record a child's statement precisely as the youngster expressed it. POCSO Act does not need the accused's advocate's attendance as required by Section 164(1)'s provision.

When police submit a final report under section 173 of the CRPC, the Magistrate must provide a copy of the document under section 207 to the kid and parents. Additional statement provisions are in Section 26. It requires a judge or policeman to record the child's statement in front of parents or another trusted person. The judge or police officer may utilise a translation or interpreter to record the child's testimony. A magistrate or policeman may hire a special educator or expert to record a child's evidence if they have a mental or physical disability. The magistrate or policeman

should record the child's evidence using audio-video equipment.

Section 27 allows child medical evaluation. It states that section 164A of the CrPC must be followed while examining a child who has been harmed under this Act, regardless of whether a FIR or complaint has been lodged. Medical checks must be done in front of the child's parents or another competent person. The medical institution's leader must choose a female attendant if the parent is absent. A female doctor must examine a girl kid victim.

Recording of Evidences

Section 33 outlines Special Court procedures and powers. According to it, a Special Court might admit a crime based on a complaint or police report without the accused being tried. Special Courts have all the authority of session courts and try offences like session courts.

Child-friendly procedure: The Special Public Prosecutor or counsel representing the accused must inform the Special Court of questions to be asked to the child during examination-in-chief, cross-examination, or re-examination. The Special Court may allow frequent kid breaks during trial. Family, guardians, friends, and relatives must be allowed in court to establish a child-friendly environment. The court must avoid continually calling the youngster to testify. The court must prohibit aggressive interrogation and character assassination of the youngster and safeguard their dignity throughout the trial. The Court must protect the child's identity throughout inquiry and trial. If it is in the child's best interest, the Court may allow disclosure for written reasons.

Compensation: The court may order compensation for bodily or emotional harm or prompt rehabilitation of the child in addition to punishment.

- Evidence recording and case disposal: Section 35 mandates documenting child evidence within 30 days after taking it. Special Court recognition of the offence. Within one year after becoming aware of the offence, the trial must be concluded.
- Section 36 requires the Court to protect the child from the accused during testimony, while also allowing the accused to hear and communicate with the child's advocate. This Court may record a child's statement via video conferencing, visible mirrors, or curtains.
- Section 37 mandates in-camera trials in the presence of the child's parents or a trusted person. Section 284 of the Code of Criminal

Procedure, 1973 allows court to examine kid via Commission if necessary.

- Section 38 allows the Court to use a translation or interpreter to record the child's evidence. If a kid has a mental or physical handicap, the Court may use a qualified special educator to record their testimony.

Recent Amendments in Act

Changes appear to be the rule of nature, thus laws are formed and modifications are made to fill the gaps. The POCSO Amendment Bill, 2019, amends the POCSO Act, 2012 as follows:

For Penetrative Sexual Assault:

Penetrative Sexual Assault carries a minimum 7-to-10-year sentence. If a perpetrator commits these acts on a kid under 16, the sentence is from 20 years to life imprisonment.

For Aggravated Penetrative Sexual Assault:

By the commission of such an offence i.e. namely the Aggravated Penetrative Sexual Assault by any of the police authority, armed forces, or any public servant and by committing such offence if it causes the death of the child or if the child gets pregnant, and if by committing such offence by any of the authorities mentioned above the sexual organs of the child gets damaged then in such a case the punishment shall be enhanced from the period of 10 years to 20 years and the maximum punishment shall be the death penalty.

For Aggravated Sexual Assault:

Under this offence, there are two types of aggravated sexual assault: natural disaster assault and second is for early kid maturity if someone gives the child chemicals or hormones.

Capital punishment may encourage the accused to murder their victims and raise the possibility of sex offenders killing their victims to destroy evidence and prevent principal testimony. Punishment certainty deters more than harshness. The emphasis should be on speedier and more effective POCSO investigation, prosecution, and disposal.

Drawbacks and Implementation of Act

For fast trial and resolution of rape and POCSO Act cases, the government has established 1023 Fast Track Special Courts (FTSCs). Of the 597 FTSCs operating in August 2020, 321 were exclusive POCSO courts.

Our child protection machinery is still young and struggles to manage the amount of cases, follow protocols, implement child-friendly processes, and meet POCSO Act timeframes. Now is the time to examine these statistics:

<p>As reported by National Crime Records Bureau (NCRB)</p>	<ul style="list-style-type: none"> the total number of child pornography/rape and gang rape complaints lodged in the National Cybercrime Reporting Portal (NCRP) from 01.03.2020 to 18.09.2020 is 13244.
<p>As reported by National Commission for Protection of Child Rights (NCPCR)</p>	<ul style="list-style-type: none"> information of 420 cases of child sexual abuse has been received by NCPCR from 1st March, 2020 till 31st August, 2020 via online portals, helplines and other media.
<p>As reported by Childline India Foundation (CIF)</p>	<ul style="list-style-type: none"> 3941 calls have been received by CIF regarding child sexual cases from 1st March, 2020 to 15th September,2020

Child sexual abuse has legal, social, medical, and psychological effects. The law has flaws in several areas.

A. Consent:

Even if a family member or officer insists on a medical examination and the child or teenager declines, the POCSO Act remains silent. Such situations need consensual resolution. If there is a surviving kid under 12, qualified parental consent is preferred, but if the child is a teenager (12-18), parents and the survivor should agree. However, emergency treatment should be given without permission or legal issues to save the infant.

B. Medical Examination:

A female child impacted by Section 27 (2) of the POCSO Act must see a gynaecologist. However, the law requires available healthcare professionals to provide emergency treatment. However, Section 166A requires the state duty medical officer to regularly examine the raped lady. This legal conundrum emerges when a female doctor is unavailable.

C. Cost of treatment:

The medical profession and organisation must offer survivors with free medical treatment by law. If necessary facilities or pricey treatments are not available, the government should pay for them; otherwise, hospitals may provide inferior care or lose access to comprehensive survival

therapies.

D. Consensual sexual intimacy:

The POCSO Act 2012 makes it unlawful to have sexual relations with a minor, hence sexual relations between teens and adults are banned. Age, gender, or marriage victim/accused. However, any homosexual activity between two teenagers exposed to repeated sexual misconduct should not be a criminal since the POCSO Act, 2012 would penalise both adolescents. However, the 2013 Rape IPC amendment underlines that the age of consent for sex is 18, making it possible to prosecute someone with consensual sexual intercourse with a minor. Rape cases may climb. More importantly, obstetricians and gynaecologists must record all MTP (medical termination of pregnancy) cases on minors under 18.

E. Child marriage:

In India, secular legislation prohibits child marriage, but private law allows it, complicating matters. These difficulties must be addressed while revising the statute.

F. Training:

The 2012 POCSO Act requires medical, teaching, judicial, legal, and law enforcement training. Research, data, surveillance, and awareness efforts are hardest. Training all parties is crucial to providing high-quality care and fairness. All medical students and primary care practitioners will get child-friendly interviews, systematic assessments, evidence collection, STDs, and HIV.

G. Reporting:

It is well known that child sexual abuse is seldom reported. Many family members and survivors find learning about child sexual assaults difficult and intimate. Family, friends, and victims are humiliated to bear the humiliation, fury, aggravation, and emotional suffering this act has caused. They stay silent and torture for a long time because of medical exams, the criminal justice system, and uninformed community members who fear being attacked again. Medical personnel dealing with children must disclose any reasonable suspicion of child sexual abuse to the authorities. Thus, specialists must monitor sexual abuse and properly analyse the youngster.

The POCSO Act of 2012 is a great law that criminalises almost every kind of child sexual abuse, yet it still has certain drawbacks. To give comprehensive, high- quality treatment to child sexual abuse victims, a

multi-dimensional, multi-agency group and multi-tier plan with psychological aid would be available.

National Policies and Programs for Children

Many national policies and programme for children target child safety, survival, and development. Important ones are listed below: Children in India (2012).

The 1974 National Policy for Children:

This is the first child rights policy. This approach recognised that children are the country's future citizens and a great asset. The policy aims to implement the UN Declaration of Rights and constitutional obligations for children. It summarises services the state should give for the child's physical, psychological, and social development before, after, and throughout growth.

National Education Policy, 1986:

Indian women, STs, and SCs were prioritised in this programme to eliminate disparities and provide equal educational chances. To achieve these, the policy called for intensifying scholarships, adult education, SC teacher recruitment, encouraging poor families to send their children to school, developing new institutions, and providing housing, civic amenities, and facilities. According to this strategy, "child- centred approach" in elementary education and launched Operation Blackboard to reform schools nationwide.

1993 National Nutrition Policy:

The policy targeted child malnutrition and undernutrition. Children need proper nourishment to grow and develop. Children get healthy lunches via the Mid- Day Meal programme at schools. Children require proper food and nutrition to grow and develop and to have energy to focus on school and participate in other activities like creative and physical activities. The strategy addresses this issue by direct, short- term, and indirect, long-term interventions in food production and distribution, health and family welfare, education, rural and urban development, woman and child development, etc.

The National Population Policy of 2000:

The 2000 national population strategy seeks to improve Indian children's position. Free and compulsory school education up to 14, universal immunisation of children against all vaccine-preventable diseases, 100% birth, death, marriage, and pregnancy registration, and substantial

infant and maternal mortality reduction were its priorities.

The 2002 National Health Policy:

This policy aims to improve national health. To promote access to the decentralised public health system, new infrastructure is built in poor regions and old infrastructure is improved. Providing more equitable health care throughout the nation is a priority.

The National Charter for Children (NCC) of 2003:

This strategy emphasises the constitutional protections for children and the role of civil society, communities, and families in meeting their fundamental needs. The NCC emphasises the well-being of BPL children, street children, female children, child care initiatives, and educational activities to avoid exploitation. The Charter requires the State and society to empower adolescents by providing them with the knowledge and skills they need to become economically productive citizens.

Conclusion

In conclusion, the legislative framework addressing child sexual abuse in India, particularly under acts like the Protection of Children from Sexual Offences (POCSO) Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015, demonstrates a robust commitment to safeguarding children's rights and well-being. These laws provide comprehensive measures for the prevention, investigation, and prosecution of child sexual abuse cases, ensuring stringent punishments for offenders and protective mechanisms for victims.

REFERENCES

- The Constitution of India
- 1983 AIR 130,1983 SCR (2) 165
- AIR 1983 SC 130
- Dicey---Law of the Constitution, p.49 (10thed.)
- Sheoshankar v. State of M.P., AIR 1951 Nagpur 53 (FB).
- Jennings---Law of the Constitution, p.49 (3rded.).
- Dr. V.N. Shukla--- Constitution of India, p.27 (5thed.).
- Raghubir Singh v. State of Haryana, AIR 1980 SC 1087
- Indria Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299.
- Maneka Gandhi v. Union of India, AIR 1978 SC 597
- 2000 (5) Scale 30
- 2007 2 GLR 10
- AIR 2008 (NOC) 236 (Gau).
- AIR 1992 SC 1858
- (1993) 1 SCC 645
- Raj Bahaduar v. Legal Remembrance, AIR 1953 Cal. 522.
- DubarGoala v. Union of India, AIR 1952 Cal 496.
- AIR 1982 SC 1943.
- AIR 1984 SC 802.
- AIR 1983 SC 1473.
- AIR 1984 SC 177.
- AIR 1997 SC 699.
- SheelaBarse v. Union of India, AIR 1986 SC 1773 : (1986) 3 SCC 596.
- Govt. of A.P. v. J.B. Educational Society, (2005) 3 SCC 212 : AIR 2005 SC 2014.
- Meerut Development Authority v. Assn. of Management Studies, (2009) 6 SCC 171.
- Jolly George Varghese v. Bank of Cochin, AIR 1980 SC 470 : (1980) 2 SCC 360.
- AIR 1997 SC 568 : (1997) 1 SCC 301.
- Indian Penal Code, 1860
- Per BHANDARI, J: Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1, at page 653.
- It was devised by Lord Campbell in case of R v. Hicklin (1868)3

QB 360.

- Ranjit D. Udeshi v. State of Maharashtra; AIR 1965 SC 881
- Ibid, para 14
- AveekSarkar v. State of West Bengal (2014) 4 SCC 257, para 24.
- Section 312 to 318 of Indian Penal Code
- Harisingh Gaur; Penal law of India, vol 3, 11th ed, Law publishers, Allahabad,1998 p 1133
- For this purpose Parliament has enacted PNDT Act,1994(discussed later in this Chapter)
- Radha v. State of Rajasthan (1973) Raj LW 684
- ManikMolla v. Emperor AIR 1945 Cal 432
- Code of Criminal Procedure, 1973
- GourHari Singh, PENAL LAW OF INDIA, 10th Edition, Vol. 4, Law Publishers (India) Private Limited: Allahabad,1996. p. 3210
- KumariVed, “GENDER ANALYSIS OF INDIAN PENAL CODE’, in DhandaAmita and ParasharArchana, (Ed.).
- ENGENDERING LAW: ESSAYS IN HONOUR OF LOTIKA SARKAR (Ed.), Eastern Book Company: Lucknow, 1999. p. 139
- OnkarNath v. Emperor, A.I.R. 1936 All 675
- Sessions judge, tirunelveli,(1974) Cr. L.J. 261
- Raghubir v. State of Haryana, 1981 Cr. L.J. 1497: A.I.R. 1981 S.C. 2037
- Abraham v. Mahatab, (1889) 16 Cal 487
- State of M.P. v. Sunderlal, 1965 M.P.L.J. (Notes) 125
- Indian Evidence Act,1872
- Ram HazurPandey v. State, AIR 1959 Alld. 409
- Rameshwar v. State of Rajasthan, AIR 1952 SC 54
- Juvenile Justice (Child Care and Protection) Act, 2015:
- Shankar Lal v. Vijai Shankar, AIR 1968 All.
- RameshwarKalyan Singh v. State of Rajasthan, AIR 1952 SC 54.
- Mohd.Sugalv. The King, AIR 1946 P.C. 3; Lalwanti v. State, AIR 1953 Pat 246; Nirmal Kumar v. State of U.P., AIR1952 S.C. 1131.
- AIR 2003 SC 1088.

- Juvenile Justice Act, 2015
- Section 2 (d)
- Section 2(13)
- Section 2(14)
- Section 2(42)
- Section 2(60)
- Section 2(1)
- Section 2(33)
- Section 2(54)
- Section 2(45)
- It is Constituted by State Government at every district under Section 4 Section 4(2)
- Generally child in conflict with law are to be released on bail, but if bail not granted then sent to observation home as per Section 12(3)
- Section 47(4)
- Section 48
- Section 49
- ibid
- Section 8 (3) (m)
- Section 18(3)
- Section 19(2)
- Section 20
- ibid
- Section 21
- Section 14 (5) (d)
- Section 14 (5) (e)
- Section 14(5) (f)
- Section 27-30
- Section 27
- Section 31
- Section 32
- Section 33
- Section 36
- Section 27
- Section 41

- Section 53
- Offences under JJ Act, 2015: Probation of offenders Act, 1958
- Section 56-73
- Section 61 and 80
- Chapter IX- Other Offences against Children(section 74-89)
- Commission for protection of Child Rights Act, 2005
- Received the assent of the President and published in the Gazette of India on January 20, 2006.
- Preamble of the Act
- Section 3 and section 17
- Section 13.
- Section 25 of the Act
- Section 26 of the Act
- Labour Laws:
- The Factory Act, 1948
- Section 2 (c) of the Act
- Section 27
- Section 34
- Section 67 of the Act
- section 71 of the Act
- ibid
- Section 73
- Section 79
- Minimum Wages Act, 1948,
- The Mines Act, 1952
- The Apprentices Act, 1961
- The Beedi& Cigar Workers (Conditions of Employment) Act, 1966 ,the Child Labour (Regulation & Prohibition) Act, 1986
- Section 99
- Preamble of Act
- Section 2(bb) of the Act
- Section 3 of the Act
- Section 40 of the Mines Act,1952
- Section 40(2) of the Act
- Section 45 of the Mines Act, 1952
- Section 3 provides for qualifications for being engaged as an

apprentice

- Raj Rani v. Prem Adbi, AIR 1949 Bom. 215
- Preamble of Act
- Section 2(b) of the Act
- Section 2(q) of the Act
- Section 24 of the Act
- Section 25 of the Act
- Section 26 of the Act
- As specified in Part A of the Schedule
- Section 3 of the Act r/w Part B of Schedule to the Act
- Section 2(ii) defines Child as person who has not attained the age of 14 years.
- Section 14 of the Act provides for Penalties Section 7
- Myron Weiner, “Child and the State in India: Child Labour and Education Policy in Comparative”. “Child Labour and Compulsory Education Policy”, Oxford University Press, New Delhi (1991).
- Section 3 is substituted by Child Labour (Prohibition and Regulation) Amendment Act, 2016.
- Section 2(i) of the Act
- Section 3A of the Act after 2016 Amendment Section 14A
- The Immoral Traffic (Prevention) Act, 1956
- Section 14(1)
- Section 14(2)
- Section 14(2A)
- Section 14B
- Schedule is substituted by 2016 Amendment Act
- Section 2(aa) of the Act
- Section 5 of the Act
- The Hindu Marriage Act, 1955
- CrI.M.A. no. 3071/2010, decided on 12 August 2014, Delhi High Court
- Section 16.
- Smt. Parayankandiyal Eravathkanapavan Kalliani Amma & Ors.v. K. Devi Ors. AIR 1996 SC 1963
- The Hindu Adoptions And Maintenance Act, 1956

- (2011) 11 SCC 1
- J. Venkatesh, Illegitimate children entitled to ancestral property: Bench, The Hindu, April 8, 2011
<https://www.thehindu.com/news/national/Illegitimate-children-entitled-to-ancestral-property-Bench/article14674196.ece>
- Section 2 and 8 of the Act
- Hindu Minority and Guardianship Act, 1956
- Section 9 of the Act
- Section 11(iii) of the Act Section 11(i) of the Act Section 11(ii) of the Act Section 17 of the Act
- Section 6 and 8 of the Act
- Section 13 of the Act, see also Mohini v. Virendra, AIR 1977 SC 1359
- The Guardians and Wards Act, 1890
- The Prohibition of Child Marriage Act 2006
- Section 17, The Guardians and Wards Act, 1890
- Section 2(a) of the Act
- Section 3 and 6 of the Act
- Information Technology Act, 2000
- Protection of Children from Sexual Offences Act, 2012
- Section 2(d) of the Act
- POCSO Act – Providing Child-Friendly Judicial Process. Press information Bureau, Government of India. Accessed at <http://pib.nic.in/newsite/efeatures.aspx.?relid=86150>
- <https://thelogicalindian.com/crime/crimes-against-children-increased-24102>
- As per NCRB Data; Crime in India, Statistics 2019 Vol-1; accessed at <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%201.pdf>
- Section 4, 3, 5, 6-12
- 2019 Amendment came into force from 16-08-2019
- Section 7, 8, 9, 10, 11, 12
- Section 13-15 Act of 2012
- Inserted by Amendment Act of 2019
- Subs. by Act 25 of 2019, s. 7, for section 14 (w.e.f. 16-08-2019)

- Section 14(2),POCSO Act,2012
- Subs. by s. 8, by Act 25 of 2019, for section 15 (w.e.f. 16-08-2019).
- Section 16,18
- Section 19-23 of POCSO Act,2012
- A Guide for District Administration for Implementation of Juvenile Justice Act, 2015 and POCSO Act, 2012;NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)
- Section 24-27
- Section 24(1)
- Section 25 (1)
- Section 26 (4)
- Section 27 (1)
- Section 27 (3) Section 27 (4) Section 27 (2)
- Section 33-38
- Section 33(1)
- Section 33 (9)
- Section 33 (2)
- Section 33 (3) and (4)
- Section 33(5)
- Section 33 (6)
- Section 33 (7)
- Section33(8)