

**SEXUAL ABUSE OF CHILDREN IN INDIA: A STUDY  
OF CHILD PROTECTION LAWS WITH SPECIAL  
REFERENCE TO SOUTHERN RAJASTHAN**

भारत में बच्चों का यौन शोषण: दक्षिणी राजस्थान के  
विशेष संदर्भ में बाल संरक्षण कानूनों का एक अध्ययन

A

Thesis

Submitted for the Award of the Ph.D. degree of

**PACIFIC ACADEMY OF HIGHER  
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By

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Under the  
supervision of

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**FACULTY OF LAW**

**PACIFIC ACADEMY OF HIGHER EDUCATION  
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**2024**

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I, DHRUVAL SHAH S/O ARUN SHAH resident of Keshav Nagar, Udaipur-313001, hereby declare that the research work incorporated in the present thesis entitled **SEXUAL ABUSE OF CHILDREN IN INDIA: A STUDY OF CHILD PROTECTION LAWS WITH SPECIAL REFERENCE TO SOUTHERN RAJASTHAN** is my original work. This work (in part or in full) has not been submitted to any University for the award or a Degree or a Diploma. I have properly acknowledged the material collected from secondary sources wherever required.

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I devote this study to my dadaji swargiya shri Tejmal Shah ji and swargiya shrimati Anjana Shah ji. Lastly, I pay homage to the supreme, pervasive Almighty God for His mercy and the blessings He has showered upon me.

**DATE:**

**DHRUVAL SHAH**

# PREFACE

Child sexual abuse remains one of the gravest and most pervasive issues in India, causing irrevocable harm to young lives and the societal fabric. This research, titled "Sexual Abuse of Children in India: A Study of Child Protection Laws with Special Reference to Southern Rajasthan," aims to delve deep into this pressing problem, focusing particularly on the legislative measures and their effectiveness in combating child sexual abuse in Southern Rajasthan. This doctoral research aims to provide a comprehensive understanding of child sexual abuse in Southern Rajasthan and evaluate the sufficiency of the current legal framework in safeguarding children. By identifying the strengths and weaknesses of existing laws and practices, the study aspires to contribute to the development of more effective protective measures and promote a safer environment for children in India.

The chapters are as follows:

**Chapter 1:** Introduction sets the background of this research, outlining its essential components such as the title, scope, importance, objectives, hypothesis, research question, gaps, literature review, and tentative chapterisation. **Chapter 2:** Child Sexual Abuse in India, Its Causes and Effects focuses on the meaning, causes, and increasing prevalence of child sexual abuse in southern Rajasthan, even after the implementation of the POSCO Act 2012. **Chapter 3:** Legislations and Laws Related to Child Sexual Abuse examines the existing legislative framework on child sexual abuse in southern Rajasthan, analysing whether it is adequate to address the issue. **Chapter 4:** Role of Family Factors in Child Abuse: Reflecting the Personality of Children explores the intricate family dynamics contributing to child abuse and their impact on children's personalities, discussing various forms of abuse and neglect, individual parent factors, family and environmental factors, and personality determinants, culminating in an analysis of personality maladjustments. **Chapter 5:** Review of Literature provides an overview of previous research in the same field and area of study. **Chapter 6:** Field Study and Methodology details the research design and methods employed to investigate child victims in Southern Rajasthan, covering the study's objectives, hypotheses, problem statement, data collection methods, pilot study, research outline, data analysis techniques, and limitations. **Chapter 7:** Analysis and Interpretation of Data describes the tools used for data collection and analysis, presenting a thorough analysis of the collected data, testing hypotheses, and suggesting future enhancements.

Finally, **Chapter 8: Finding, Conclusion, and Suggestions** presents the research outcomes, reiterates the objectives, explores the consequences of abuse, acknowledges study limitations, and provides suggestions for addressing identified issues and areas for future research.

In conclusion, this thesis represents a significant effort to delve into the complexities of child sexual abuse in southern Rajasthan, exploring its causes, legislative framework, and the critical role of family dynamics. The research findings aim to contribute to a deeper understanding of the issue, offering insights and recommendations that can inform future policies and interventions. I hope that this work will inspire further research and action to protect vulnerable children and support their development in a safe and nurturing environment.

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#### **1.1 The State of Rajasthan and its Demographic Structure**

Rajasthan is a geographically situated state in the northwestern region of the Indian subcontinent. With regards to its geographical expanse, this state holds the distinction of being the largest. Furthermore, it boasts a significant cultural legacy. Based on the available information up until September 2021, this report provides an

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overview of the demographic composition of Rajasthan. The population of Rajasthan, as recorded in the 2011 census, was approximately 68.5 million, positioning it as the seventh most populous state in India. It is important to acknowledge that population statistics may have undergone changes subsequent to the mentioned time period. Consequently, it is recommended to consult the most up-to-date data in order to obtain the most precise and reliable information. The gender ratio in Rajasthan holds significant importance as a demographic indicator. According to the 2011 census data, the state exhibited a sex ratio of 928 females per 1000 males. The aforementioned ratio signifies a diminished presence of females in relation to males, notwithstanding the implementation of initiatives aimed at rectifying this gender disparity. The official language spoken in the state of Rajasthan is Hindi. Nevertheless, it is worth noting that Rajasthani, which is a variant of the Hindi language, is extensively utilised throughout the region. Moreover, diverse regional dialects and languages are also utilised by distinct communities.

The state of Rajasthan exhibits a rich and varied religious landscape. Hinduism, being the predominant religious belief system in the region, is adhered to by a significant majority of the population within the state. Islam is the second most prominent religious faith globally, with a substantial following of adherents who identify as Muslims. In addition to Sikhism, Jainism, and Christianity, there are several other religious traditions that have relatively smaller yet significant adherent populations. Rajasthan exhibits a notable representation of diverse caste groups and tribes within its population. The region is renowned for its historical manifestation of social stratification, whereby the caste system has exerted a lasting influence on societal dynamics over an extended period of time. The Scheduled Castes (SCs) and Scheduled Tribes (STs)<sup>1</sup> have been recognised as marginalised communities, and specific measures have been implemented to enhance their socio-economic standing. The state of Rajasthan has witnessed a progressive rise in urbanisation over the course of time. The state encompasses a number of prominent urban centres, such as Jaipur, which serves as the capital, as well as Jodhpur, Udaipur, and Kota. These urban centres have experienced substantial increases in population as a result of economic

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<sup>1</sup> As per Article 366 (25) of Constitution of India the Scheduled Tribes is defined as: Such tribes or tribal communities or part of or groups within such tribes or tribal communities as are deemed under Article 342 to the Scheduled Tribes for the purposes of this [Indian] Constitution.

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advancements and the influx of individuals from rural regions. According to the 2011 census data, the state of Rajasthan exhibited a literacy rate of approximately 67.06%. The government has implemented initiatives aimed at enhancing the quality of education, with a particular focus on rural regions, in order to elevate the overall levels of literacy.

## **1.2 Further dimensions of the demographic composition of Rajasthan:**

**1.2.1 Rural Demographics:** The state of Rajasthan is characterised by a primarily rural population. The rural regions of the state exhibit a distinct set of characteristics, primarily centred on agricultural pursuits, wherein farming serves as the predominant occupation for a substantial proportion of the populace. The rural economy exhibits a significant reliance on agricultural practises, animal husbandry, and associated endeavours. Rajasthan accommodates numerous indigenous tribal communities within its borders. The aforementioned tribes, namely the Bhils, Meenas, Garasias, and Sahariyas, possess unique cultural customs, linguistic variations, and customary livelihoods. Various initiatives have been undertaken to safeguard and enhance the distinctive cultural legacy of the community, as well as to ameliorate their socio-economic circumstances. Migration<sup>2</sup> is a phenomenon observed in the state of Rajasthan, encompassing both internal and external movements of people. Internal migration refers to the phenomenon of individuals relocating from rural regions to urban areas within a particular state, driven by the pursuit of improved employment prospects, educational facilities, and infrastructure. External migration encompasses the phenomenon of individuals originating from Rajasthan relocating to other states or countries in pursuit of employment opportunities, with a particular focus on sectors such as construction, hospitality, and healthcare. Access to healthcare facilities and infrastructure poses a significant challenge in specific regions of Rajasthan, particularly in geographically isolated rural areas. Nevertheless, the government has implemented various initiatives aimed at enhancing healthcare services, such as the establishment of primary health centres, mobile healthcare units, and programme specifically designed to address maternal and child health.

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<sup>2</sup> The movement of a person or people from one country, locality, place of residence, etc., to settle in another.

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**1.2.2 Education:** Despite ongoing efforts to enhance literacy rates in Rajasthan, there remain certain regions that necessitate further attention. The state government has implemented measures aimed at improving educational infrastructure, fostering the education of girls, and mitigating the disparity in literacy rates between genders. The state's urban areas are home to a multitude of schools and colleges, including those of high repute.

The employment landscape in Rajasthan is characterised by a diverse range of sectors, including agriculture, tourism, handicrafts, and mining, which play a significant role in generating employment opportunities. Nevertheless, the persistent issues of underemployment and unemployment continue to be a cause for concern, specifically with regards to the younger population. The state government has implemented several skill development programme and employment schemes in order to tackle these challenges. Rajasthan has witnessed notable improvements in various social indicators, including the infant mortality rate, maternal mortality rate, and child malnutrition, over the course of time. Nevertheless, there remains a need for further efforts to guarantee enhanced healthcare, nutrition, and holistic welfare for all sectors of society, with a particular emphasis on underserved rural and marginalised populations. Rajasthan, akin to numerous other states within India, confronts economic disparities across its various regions. While certain urban regions have experienced substantial economic expansion and infrastructure advancement, rural areas, particularly those situated in remote and arid locales, frequently encounter obstacles such as restricted resource accessibility, diminished income levels, and a dearth of employment prospects. Child marriage is a prevalent social concern that continues to persist in certain regions of Rajasthan.

Despite the implementation of legal measures aimed at prohibiting child marriage, this practise persists as a prevalent phenomenon within specific communities and rural regions. Various initiatives have been undertaken to enhance public consciousness, enforce legislative measures, and offer assistance in order to mitigate the prevalence of child marriages and foster educational opportunities for young girls.

**1.2.3 Art and Culture:** Rajasthan is widely recognised for its opulent cultural legacy, encompassing a diverse range of folk music, captivating dance forms, and



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exquisite traditional arts and crafts. Numerous communities have diligently safeguarded their distinct cultural practises, encompassing the art of puppetry, the melodic expressions of folk songs, and the customary attire specific to the region of Rajasthan. The aforementioned cultural elements play a significant role in shaping the identity of the state as well as bolstering its tourism industry.

**1.2.4 Tourism:** Rajasthan emerges as a renowned tourist hotspot, garnering the attention of both local and global visitors. The historical forts, palaces, temples, and lively festivals of the state attract tourists from various parts of the globe. Notable events include the Pushkar Fair and Desert Festival. Tourism plays a substantial role in bolstering the state's economy and serves as a vital source of employment opportunities. Water scarcity is a prevalent issue in Rajasthan due to its arid and semi-arid climate, which significantly limits the availability of water resources in the region. The state encounters difficulties pertaining to the accessibility of water, particularly in rural regions. Efforts have been undertaken to tackle the issue through the implementation of water conservation and management initiatives, including the adoption of rainwater harvesting techniques and the establishment of watershed development programme.

**1.2.5 Political Representation:** The state of Rajasthan operates under a multi-party system, wherein multiple political parties are actively engaged in the political landscape of the region. The state assembly consists of elected representatives who play a pivotal role in the governance and decision-making processes. Various initiatives have been undertaken to enhance the political representation and participation of marginalised groups, such as women and Scheduled Castes/Tribes.

### 1.3 Children

Children are widely regarded as the future pillars of a nation. Various organizations have established distinct definitions for the age classification of a child. Various organizations have adopted different age thresholds to define the term "child." Some organizations have set the age limit at 13 years, while others have extended it to 16 years. Additionally, certain organizations have chosen to define a child as an individual up to 18 years of age. As per the United Nations convention, an individual is considered a child if they are below the age of 18, unless the applicable laws acknowledge an earlier age of majority (Vikaspedia). The convention in question

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has been officially endorsed by the government of India, as stipulated in Section 1(d) of the Protection of Children from Sexual Offences (POCSO) Act of 2012, and Section 2(12) of the Juvenile Justice Act of 2020. As per these legal provisions, a child is defined as an individual who is below the age of 18.

### **1.3.1 Child Sexual abuse Definition and Government policy to stop Sexual abuse in children**

The National Human Rights Commission (NHRC) of India has taken cognizance of a media report indicating a 250 to 300 percent increase in the circulation of Child Sexual Abuse Material (CSAM) on social media in India. Allegedly, these materials are primarily of foreign origin, with Indian investigative agencies yet to find any Indian-made CSAM.

The NHRC has noted that if the media report is accurate, it constitutes a serious violation of human rights, particularly those related to life, liberty, and dignity, as well as the protection of children from sexual exploitation on social media platforms. Consequently, the NHRC has issued notices to the Commissioner of Police, Delhi, the Director Generals of Police of all States/UTs, the Director of the National Crime Records Bureau (NCRB), and the Secretary of the Union Ministry of Electronics and Information Technology. These entities have been requested to submit a detailed report within six weeks on the measures taken to prevent the spread of CSAM on social media.

According to the media report dated May 15, 2023, around 450,207 cases of CSAM dissemination were reported in 2023. The Delhi Police has taken action in 3,039 of these cases, with 447,168 cases still under investigation. In some instances, photographs taken by family members of young children have been classified as CSAM by an American NGO. In previous years, 204,056 cases were reported in 2022, 163,633 in 2021, and 17,390 in 2020.

The NHRC is deeply concerned about the impact of online CSAM on human rights, particularly the potential for severe psychological harm to children, which can hinder their growth and development. The Commission has actively engaged in organizing dialogues and seminars to address this issue. A notable event was the national seminar on CSAM held on March 2-3, 2023, at Vigyan Bhawan, New Delhi, which featured addresses by the Union Minister of Law & Justice and the

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Union Minister of State for Electronics & IT, Skill Development & Entrepreneurship. Previously, on July 21, 2020, the NHRC held an online National Conference on CSAM, incorporating insights from international organizations, government ministries, law enforcement agencies, national and state commissions, civil society groups, domain experts, and parents' associations. The NHRC has also issued advisories, such as the 'Human Rights Advisory for the Protection of the Rights of Children in the Context of COVID-19' on September 29, 2020, and June 2, 2021, recommending the use of the cybercrime reporting portal and PRAGYATA Guidelines for Digital Education to enhance online child safety.

In a 'Discussion on Child Sexual Abuse Material (CSAM)' held on November 4, 2022, various experts discussed the nature, extent, and manifestations of CSAM. These initiatives highlight the Commission's commitment to addressing the proliferation of CSAM and its impact on children's rights.

India has several laws aimed at protecting children from abuse, including the Protection of Children from Sexual Offences (POCSO) Act, 2012, which provides a robust legal framework for the protection of children against offenses of sexual assault, sexual harassment, and pornography. Under POCSO, special courts are established for the trial of offenses and procedures are child-friendly to avoid re-victimization during the judicial process.

The Indian Penal Code (IPC) also includes provisions that address child abuse, such as Section 375 (rape), Section 354 (outraging the modesty of a woman), and Section 377 (unnatural offenses), which can be invoked in cases of child sexual abuse.

### **1.3.2 Special Reference to Southern Rajasthan**

In Southern Rajasthan, as in other parts of India, implementing these laws effectively is critical to protecting children from abuse. Challenges include ensuring that law enforcement agencies are adequately trained and equipped to handle cases of child abuse sensitively and that victims receive proper psychological support and rehabilitation.

Efforts to combat child abuse in Southern Rajasthan and across India must continue to focus on raising awareness, strengthening legal frameworks, and enhancing the capacities of institutions responsible for child protection. Collaborative

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efforts between government bodies, non-governmental organizations, and the community are essential to create a safer environment for children and to uphold their rights to protection, care, and dignity.

Sexual abuse represents a distinct form of child abuse, involving a wide range of interactions between a minor and an adult or older child. Often, these interactions include physical contact, though there can be exceptions. Acts such as exposing one's genitals to minors or coercing them into sexual activities are considered sexual abuse. Similarly, using a minor to produce or distribute explicit material falls under this category.

Most perpetrators<sup>3</sup> of sexual abuse are familiar with their victims. They may be family members, neighbours, or caregivers. Approximately 33% of abusers are biologically or legally related to the child. The majority of these perpetrators are male.

If you suspect a child has been abused, it is crucial to report it. Nations worldwide face significant challenges in fostering an environment conducive to the holistic development of children. These challenges include providing adequate nutrition, healthcare, education, secure housing, and a safe environment. In addition, nations must also address various forms of child abuse, such as child trafficking, child labor, and child prostitution. Child abuse and neglect (CAN) and child sexual abuse (CSA) are prevalent issues that pose serious challenges globally. The acronym CSA is often associated with child abuse. It is essential to differentiate between the broader issue of child abuse and the specific subset of child sexual abuse.

India has enacted several laws to protect children from abuse. The Protection of Children from Sexual Offences (POCSO) Act, 2012, provides a comprehensive legal framework for the protection of children against sexual assault, harassment, and pornography. Under POCSO, special courts are set up to ensure child-friendly procedures and to prevent re-victimization during the judicial process.

The Indian Penal Code (IPC) also includes provisions addressing child abuse, such as Section 375 (rape), Section 354 (outraging the modesty of a woman), and Section 377 (unnatural offenses), which can be applied in cases of child sexual

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<sup>3</sup> A perpetrator is a person who has committed a wrongdoing, crime, or violent act, either intentionally or through negligence.

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abuse. In Southern Rajasthan, as in other parts of India, effective implementation of these laws is critical for protecting children from abuse. Challenges include ensuring that law enforcement agencies are well-trained and equipped to handle child abuse cases sensitively and that victims receive appropriate psychological support and rehabilitation.

Efforts to combat child abuse in Southern Rajasthan and across India should continue to focus on raising awareness, strengthening legal frameworks, and enhancing the capacities of institutions responsible for child protection. Collaborative efforts among government bodies, non-governmental organizations<sup>4</sup>, and the community are essential to create a safer environment for children and to uphold their rights to protection, care, and dignity.

Child abuse includes various forms such as physical, emotional (verbal), sexual, and neglect. Child sexual abuse specifically involves a child in sexual activities, regardless of their consent, and often occurs without the child's understanding of the acts. Child sexual abuse (CSA) encompasses a range of behaviors, including sexual intercourse, attempts at intercourse, oral-genital contact, genital fondling either directly or through clothing, exhibitionism, exposing children to adult sexual activity or pornography, and exploiting children for prostitution or pornography. This maltreatment can cause severe harm to the child and, in extreme cases, may result in death.

The World Health Organization (WHO) offers a detailed definition of CSA, stating that it includes various types of mistreatment towards children, such as physical and/or emotional abuse, sexual abuse, neglect, negligent treatment, and commercial or other forms of exploitation. These forms of mistreatment can cause actual or potential harm to the child's health and survival. The concepts of development and dignity are often discussed within the framework of relationships characterized by responsibility, trust, or power dynamics.

In Southern Rajasthan, as in other parts of India, the effective implementation of these laws is crucial for protecting children from abuse. Challenges include ensuring that law enforcement agencies are adequately trained and equipped

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<sup>4</sup> **nongovernmental organization** (NGO), voluntary group of individuals or organizations, usually not affiliated with any government, that is formed to provide services or to advocate a public policy.

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to handle child abuse cases sensitively and that victims receive appropriate psychological support and rehabilitation. Efforts to combat child abuse in Southern Rajasthan and across India should continue to focus on raising awareness, strengthening legal frameworks, and enhancing the capacities of institutions responsible for child protection. Collaborative efforts among government bodies, non-governmental organizations, and the community are essential to create a safer environment for children and uphold their rights to protection, care, and dignity.

**1.4 Child sexual abuse, as defined by the United Nations**, encompasses instances where a child engages in contact or interaction with an older or more knowledgeable individual, such as a stranger, sibling, and person in a position of authority, parent, or caretaker. In these situations, the child is exploited and used as a means of satisfying the sexual desires of the older individual. According to UNICEF (2013), the aforementioned contacts or interactions are perpetrated upon the child through the utilization of force, deception, incentives, intimidation, or coercion.

The aforementioned definitions elucidate CSA as an act that specifically targets aspects of sexuality or sexual organs, encompassing various forms such as sexual gestures, verbal expressions, visual depictions, and physical behaviors. Sexual abuse refers to any form of sexual behavior perpetrated by an adult or older individual upon a child, with the intention of fulfilling the perpetrator's sexual gratification.

Child sexual abuse poses a direct threat to the principles outlined in Article 19 and Article 34 of the United Nations Convention on the Rights of the Child (UNCRC). Article 19 pertains to the child's entitlement to protection from all forms of abuse, while Article 34 specifically addresses the child's right to protection from sexual abuse. The convention in question was signed by India in 1992.

The Protection of Children from Sexual Offences (POCSO) Act, implemented by the Indian government in 2012, delineates the diverse manifestations of sexual abuse experienced by children, encompassing both physical and non-physical forms of sexual assault.

**1.4.1 Physical contact** encompasses abusive behaviors involving direct physical interaction between the perpetrator and the child. Such behaviors may involve acts of penetrative sexual intercourse, fondling of the child's genitals, or coercing the child to touch the perpetrator's genitals. Additionally, physical contact can involve the

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intentional touching of any part of the child's body with a sexual motive, as well as pressuring or convincing the child to engage in various sexual activities, such as hugging or kissing.

**1.4.2 Non-physical contact** refers to engaging in behaviors such as exposing a child to pornographic videos or images, subjecting them to verbal abuse, making inappropriate gestures towards them, participating in sexualized games, engaging in stalking behaviors, or engaging in online communication with the child with sexual intentions, using platforms such as the internet or social media.

**1.4.3 Severe kinds of sexual abuse include:**

- a) Assault, including rape and sodomy;
- b) Touching or fondling a kid;
- c) Exhibitionism- forcing a child to expose his or her private body parts; and
- d) Photographing a child in a naked state.

**1.4.4 Other types of sexual abuse include:**

- a) Forcible kissing;
- b) Sexual approaches made to a kid while traveling;
- c) Sexual advances made to a child during marital scenarios;
- d) Exhibitionism- displaying in front of a child; and
- e) Exposing a child to pornographic materials.

India is host to a population of 430 million children, accounting for approximately one-fifth of the global population of children under the age of 18, according to the 2011 census data. From the moment of their birth, individuals encounter formidable obstacles. Malnutrition, illiteracy, trafficking, forced labor, drug abuse, sexual abuse, pornography, and other related issues are prevalent among children in India. The Indian constitution encompasses laws pertaining to various aspects of child development, including but not limited to survival, health and nutrition, education, and protection.

The Constitution of India incorporates a range of provisions aimed at safeguarding child rights in the country. However, it is worth noting that many of these laws and articles do not exclusively concentrate on child rights, but rather encompass the broader aspects of women's care and protection. Article 15 of the constitution is dedicated to the provision of necessary and special laws and policies

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that aim to protect the rights of children and women.

The articles in question enshrine fundamental rights such as the right to equality, protection of life and personal liberty, and the right against exploitation.

**Article 14:** of the Indian Constitution guarantees that the State cannot deprive any individual of equality before the law or the equal protection of the laws within the territorial boundaries of India.

**Article 15:** of the constitution prohibits the State from engaging in discriminatory practices against any citizen based on factors such as religion, race, caste, sex, place of birth, or any combination thereof.

According to Article 15(3), the State is not prohibited from implementing specific measures for the benefit of women and children.

**Article 23:** of the legislation prohibits the trafficking of human beings and the use of forced labor, including beggars and similar forms of coerced labor. Any violation of this provision is considered a criminal offense that is subject to legal punishment.

**Article 24:** stipulates that children below the age of fourteen are not permitted to work in factories, mines, or engage in any other hazardous employment. Article 39: outlines the state's policy objectives, which include safeguarding the health and well-being of workers, both men and women, as well as protecting children from exploitation and ensuring they are not compelled to engage in occupations that are unsuitable for their age or physical capabilities. Additionally, the policy aims to provide children with opportunities and resources for healthy development, while safeguarding their freedom, dignity, and protection against exploitation and neglect (Garg, 2020).

The Indian Penal Code contains various provisions designed to protect the welfare of children in India. These include laws addressing foeticide, infanticide, incitement to suicide, exposure and abandonment, kidnapping and abduction, kidnapping for ransom, begging, camel racing, forced marriage, slavery, trafficking of girls for prostitution, rape, and unnatural sexual acts, among others.

India has established multiple laws to safeguard children from abuse. The Protection of Children from Sexual Offences (POCSO) Act, 2012, provides a comprehensive legal framework to protect children from sexual assault, harassment, and pornography. POCSO mandates the establishment of special courts to ensure



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child-friendly procedures and prevent re-traumatization during judicial proceedings. The Indian Penal Code (IPC) includes sections specifically addressing child abuse, such as Section 375 (rape), Section 354 (outraging the modesty of a woman), and Section 377 (unnatural offenses), which are applicable in cases of child sexual abuse.

Efforts to combat child abuse in Southern Rajasthan and across India should focus on raising awareness, strengthening legal frameworks, and enhancing the capabilities of institutions responsible for child protection. Collaborative efforts between government agencies, non-governmental organizations, and the community are essential to create a safer environment for children and to uphold their rights to protection, care, and dignity.

There are several provisions within the Indian penal code aimed at safeguarding the well-being of children in India. These include laws addressing foeticide, infanticide, abetment of suicide, exposure and abandonment, kidnapping and abduction, kidnapping for ransom, begging, camel racing, forced marriage, slavery, trafficking of girls for prostitution, rape, and unnatural sex, among others. In addition to the aforementioned laws, the Indian government has implemented specialized schemes and programs aimed at ensuring the safety and optimal development of children. The following schemes are:

1. ***The Government of India offers financial support*** to State Governments and Union Territory Administrations to establish and sustain homes catering to children requiring care and protection, as well as juveniles involved in legal conflicts.
2. ***The Integrated Program for Street Children*** entails the provision of comprehensive support to non-governmental organizations (NGOs) in order to establish and operate drop-in shelters for street children. These shelters operate round the clock and offer a range of services including sustenance, clothing, accommodation, non-formal education, recreational activities, counseling, guidance, and referral services. The program primarily targets children who lack permanent residences and familial connections. The program also offers opportunities for school enrollment, vocational training, and occupational placement, the provision of preventive health services, and the reduction of drug and substance abuse, as well as the incidence of

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HIV/AIDS, among other things.

3. ***The Child line Service***, operating under the telephone helpline number 1098, operates continuously throughout the day and night in 74 urban and semi-urban locations across the country. Its primary objective is to offer medical assistance, shelter, counseling, repatriation, and rehabilitation to children who require care and protection. Additionally, the service plays a crucial role in rescuing children who are victims of abuse.
4. ***The Shishu Greha Scheme*** is a program that provides care and protection for infants and children up to the age of six who have been orphaned, abandoned, or are in a destitute situation. Its primary objective is to facilitate the rehabilitation of these vulnerable individuals.

The Scheme for Working Children aims to offer care and safeguarding measures for children engaged in various forms of labor, such as domestic work, employment at roadside dhabas, mechanic shops, and similar establishments. The program offers bridge education and vocational training to these children, in addition to providing them with medical assistance, nourishment, recreational activities, and sports equipment.

5. ***The Rajiv Gandhi National Creche Scheme*** offers day-care services to children between the ages of 0 and 6 whose mothers are employed. The Pilot Project aimed at addressing the issue of trafficking of women and children focuses on providing comprehensive care and protection to individuals who have been trafficked and subjected to sexual abuse. The proposed plan entails the implementation of rescue operations, provision of temporary shelter for victims, repatriation to their respective hometowns, and access to legal services.
6. ***The National Child Labour Project*** is a government initiative that provides financial support to Project Societies operating at the district level. The objective of this scheme is to facilitate the establishment of Special Schools/Rehabilitation Centres dedicated to the education and rehabilitation of child laborers. The Indian Ministry of Women and Child Development has implemented various measures to tackle the matter of child protection. These measures include the establishment of a National Commission for the

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Protection of Child Rights, amendments to the Juvenile Justice (Care and Protection of Children) Act 2000 and the Child Marriage Restraint Act 1929, the introduction of the Integrated Child Protection Scheme (ICPS), and the proposed amendments to the Immoral Traffic (Prevention) Act (ITPA) and the draft Offences against Children (Prevention) Bill.

### **1.5 Deceptive Practices and types of Child Sexual Abuse**

It is a well-established fact that individuals who engage in child molestation often possess physical appearances and behavioral patterns that are indistinguishable from the general population. There exist individuals who have engaged in or are likely to engage in the sexual abuse of children within the contexts of religious institutions, educational establishments, and youth sports organizations.

Perpetrators of abuse can manifest in various forms, including individuals who reside in close proximity to the victim, individuals who share personal connections such as friendship, and individuals who are part of the victim's familial network. Individuals who engage in the sexual abuse of minors can be encountered within various settings, including families, educational institutions, religious establishments, recreational facilities, youth sports organizations, and any other environment where children congregate.

It is noteworthy that perpetrators of abuse frequently encompass individuals who are children themselves. Approximately 90% of children who experience sexual abuse possess knowledge of their perpetrator. According to available data, it has been found that a mere 10% of children who experience sexual abuse are victimized by individuals who are not known to them. According to available data, it has been found that around 30% of instances of child sexual abuse involve perpetrators who are members of the victim's own family. According to empirical evidence, there exists a positive correlation between the age of the victim and the likelihood of the abuser being a member of the victim's family. Among individuals who engage in child molestation, it has been found that 50% of the perpetrators are related to the victim and fall within the age range of six years or younger. Approximately 23% of child abuse cases involving individuals between the ages of 12 and 17 were attributed to family members. Approximately 60% of children who experience sexual abuse are victimized by individuals whom their families trust. According to research, there is no

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evidence to suggest that homosexual individuals are more prone to engaging in child sexual abuse compared to their heterosexual counterparts. It is a factual observation that individuals who engage in sexual abuse of children do not universally exhibit pedophilic tendencies.

Child sexual abuse is carried out by a broad spectrum of individuals who possess varying motivations. Identifying universally shared characteristics among individuals who engage in child molestation is an inherently challenging task. Situational offenders exhibit a tendency to engage in criminal behavior during periods of heightened stress and typically initiate their offending behavior at a later stage compared to pedophilic offenders<sup>5</sup>.

Additionally, situational offenders tend to have a lower number of victims, often targeting individuals within their own familial circles, and generally display a preference for adult partners. Pedophilic offenders frequently initiate their offending behavior during their formative years and typically exhibit a high incidence of victimization, often extending beyond their immediate family members. According to available data, it has been observed that approximately 70% of individuals who engage in child sex offenses have victimized between one and nine children.

Additionally, approximately 20% of these offenders have been found to have victimized a larger number of children, ranging from 10 to 40 victims. According to available data, it has been observed that a significant proportion, approximately 40%, of children who experience sexual abuse are victimized by individuals who are older or possess greater authority or power. According to empirical evidence, there exists a positive correlation between the age of child victims and the likelihood of the perpetrator being a juvenile. Juvenile individuals constitute the perpetrators in approximately 43% of assault cases involving children under the age of six. Among the aforementioned offenders, a total of 14% fall within the age bracket of under 12 years. According to research findings, it has been observed that juveniles who engage in sexual offenses against fellow children exhibit a higher tendency to commit these offenses in groups and within school settings. Furthermore, these juvenile offenders are more likely to have male victims and victims of a younger age compared to adult sex offenders. The incidence of youth being brought to the attention of law

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<sup>5</sup> Pedophilic sexual offenders are **usually family, friends, or relatives of their victims.**

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enforcement for sex offenses experiences a significant rise at the age of 12 and remains relatively stable after reaching the age of 14. During the early stages of adolescence, there is a notable increase in the occurrence of youth offenses targeted at younger children. According to the available data, a minority of juvenile offenders, specifically one out of eight, fall below the age of 12. Women make up only 7% of the population of juvenile offenders who engage in sexual offenses. According to empirical evidence, it is a verifiable fact that the majority of adolescent individuals who engage in sexual offenses do not possess the characteristics of sexual predators, nor do they exhibit a propensity to continue such behavior into adulthood.

The majority of adolescent offenders does not satisfy the criteria for pedophilia and do not persist in displaying sexually predatory behaviors. According to research findings, it has been observed that adolescent sex offenders exhibit a higher level of responsiveness to treatment interventions as compared to adult sex offenders. There is a lack of evidence suggesting a tendency for individuals to persist in engaging in criminal behavior into their adult years, particularly when they receive suitable interventions.

### **1.6 Objective of Research Work**

The primary aim of the research titled “**Sexual Abuse of Children in India: A Study of Child Protection Laws with Special Reference to Southern Rajasthan**” can be articulated as follows:

1. The primary objective of this study is to evaluate the frequency and characteristics of child sexual abuse in Southern Rajasthan, India. The study seeks to collect empirical data regarding the scope and various forms of sexual abuse encountered by children residing in the area. This objective entails the implementation of surveys, interviews, or a comprehensive examination of pre-existing literature to gain a comprehensive understanding of the extent and gravity of the issue at hand.
2. The purpose of this study is to analyze the current child protection laws and policies in India. The objective of this study is to examine the existing legal framework and policies that have been implemented to safeguard children against instances of sexual abuse. The task at hand entails the examination of legislative measures, guidelines, and protocols at both national and regional

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levels pertaining to the protection of children. The objective is to evaluate the extent to which these measures effectively address instances of sexual abuse. In order to ascertain deficiencies and obstacles in the execution of child. **Protection legislation:** The objective of this study is to ascertain the obstacles, deficiencies, and difficulties encountered during the execution of child protection legislation in Southern Rajasthan. This encompasses the examination of various factors that impede the successful safeguarding of children from sexual abuse, including but not limited to insufficient awareness, inadequate allocation of resources, institutional deficiencies, and societal attitudes.

3. In order to put forth suggestions for enhancing child protection laws and mechanisms: The primary objective of this study is to offer suggestions for enhancing the current child protection legislation and mechanisms in Southern Rajasthan, based on the findings and analysis conducted. The recommendations may encompass proposing modifications to existing legislation, bolstering the capabilities of law enforcement agencies and child protection services, advocating for awareness campaigns, and fortifying community involvement in child protection efforts.
4. The objective of this study is to analyze the reporting and response mechanisms implemented in cases of child sexual abuse within the Southern Rajasthan region. The objective of this study is to examine the reporting, documentation, and response procedures pertaining to cases of child sexual abuse within the specified region. This entails evaluating the roles and coordination among diverse stakeholders, including law enforcement agencies, child protection agencies, healthcare professionals, and legal systems.
5. In order to gain insight into the social and cultural determinants that contribute to the occurrence of child sexual abuse in Southern Rajasthan, it is imperative to conduct a comprehensive analysis. The objective of this study is to investigate the fundamental social, cultural, and economic determinants that contribute to the prevalence of child sexual abuse in the specified region. This may entail an examination of conventional beliefs, societal norms, and power structures that contribute to the perpetuation of such abuse and impede efforts

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to prevent and prosecute it.

6. In order to evaluate the psychological and social ramifications experienced by survivors of child sexual abuse in the region of Southern Rajasthan, it is necessary to conduct a comprehensive analysis. The objective of this study is to examine the immediate and long-lasting effects of child sexual abuse on the physical, emotional, and social welfare of individuals who have experienced such trauma. This entails an analysis of the psychological distress, societal marginalisation, and interpersonal difficulties encountered by individuals who have experienced trauma, as well as their immediate relatives.
7. In order to enhance awareness and advocate for preventative measures pertaining to child sexual abuse in the region of Southern Rajasthan, The objective of this study is to create educational resources, campaigns, or interventions that enhance knowledge and understanding of child sexual abuse, its ramifications, and preventive strategies among diverse stakeholders, encompassing children, parents, educators, and community members in Southern Rajasthan.
8. In order to conduct a comparative analysis of child protection laws and practises, the focus will be on Southern Rajasthan in relation to other regions within India. The objective of this study is to conduct a comparative analysis of child protection laws, policies, and practises in Southern Rajasthan in relation to other regions or states within India. This comparative analysis has the potential to identify effective approaches, exemplary practises, or areas that may require improvement, which can be subsequently adopted or replicated in the context of Southern Rajasthan.

### 1.7 Significance of the Study

The examination of sexual abuse perpetrated against children in India, specifically in the region of Southern Rajasthan, and the analysis of child protection legislation pertaining to this issue, carries substantial significance for multiple reasons:

1. **Discussing a Pertinent Societal Concern:** Child sexual abuse is an acute social issue that engenders profound repercussions for both the affected individuals and the broader fabric of society. The significance of undertaking a

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study on this subject resides in the endeavour to enhance awareness and comprehension regarding the scope, characteristics, and consequences of child sexual abuse in India, with a specific focus on the region of Southern Rajasthan. This illuminates a matter that necessitates immediate attention and efficacious interventions.

2. This study offers significant contributions to the understanding of the current child protection laws, policies, and mechanisms in Southern Rajasthan. Through the evaluation of their efficacy, identification of deficiencies, and formulation of suggestions, the research has the potential to exert influence on policy and legal modifications. The findings can be utilised by policymakers to enhance and enhance child protection legislation, thereby enhancing their ability to prevent, respond to, and address instances of child sexual abuse more effectively.
3. The study aims to analyse the reporting and response mechanisms pertaining to child sexual abuse in order to identify existing deficiencies and obstacles within the current systems, with the ultimate goal of improving child protection mechanisms. This information has the potential to provide valuable guidance for enhancing and fortifying child protection mechanisms. This may involve streamlining reporting procedures, fostering better coordination among various stakeholders, and enhancing support services for both victims and their families.
4. The study aims to provide a platform for survivors of child sexual abuse and their families to express their experiences, perspectives, and needs, thereby empowering them and increasing public awareness. The acknowledgment of this phenomenon has the potential to facilitate the empowerment of individuals who have experienced abuse, while simultaneously mitigating the negative societal perceptions and obstacles that often deter survivors from reporting such incidents. Furthermore, this study has the potential to enhance public awareness regarding the issue of child sexual abuse and underscore the significance of safeguarding children within various spheres, including the general public, professionals, and communities.
5. The findings of this study have the potential to guide the formulation and



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execution of specific prevention and intervention strategies. By comprehending the social and cultural determinants that impact instances of child sexual abuse, alongside the obstacles encountered in legal proceedings, it becomes possible to develop efficacious prevention initiatives, awareness campaigns, and support services. These strategies have the potential to effectively mitigate instances of child sexual abuse and enhance the provision of support for survivors.

6. Enhancing the global knowledge repository: Investigating the phenomenon of child sexual abuse, particularly with a regional emphasis, serves to augment the collective understanding of this imperative matter at a global scale. This study has the potential to offer comparative analysis on the efficacy of child protection laws and mechanisms across various contexts. By examining the experiences and lessons from Southern Rajasthan, researchers, policymakers, and practitioners in other regions can gain valuable insights and knowledge

### **1.8 Hypothesis to be tested:**

H0. POCSO ACT 2012 does not addresses the rampant sexual abuse cases against children in Southern Rajasthan.

H1. POCSO ACT 2012 addresses the rampant sexual abuse cases against children in Southern Rajasthan.

H0. Lack of Legal and educational awareness does not promote child sexual abuse cases.

H1. Lack of Legal and educational awareness promotes child sexual abuse cases.

H0. Lack of proper implementation of laws is not the cause of increasing child sexual abuse cases in India.

H1. Lack of proper implementation of laws is the cause of increasing child sexual abuse cases in India.

### **1.9 Research Questions**

1. What is the incidence of sexual abuse among children in Southern Rajasthan, India, and what kinds of abuse do they experience?
2. In order to react to and prevent the sexual abuse of children, what child protection laws, policies, and other measures are in place in Southern

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Rajasthan at this time?

3. How successful are the child protection laws and systems in Southern Rajasthan in resolving incidents of sexual abuse against children and giving victims access to justice?
4. What kinds of difficulties and roadblocks must be overcome in order to put child protection laws in Southern Rajasthan, particularly those that prohibit sexual abuse of children, into effect and enforce them?
5. In the region of Southern Rajasthan, what systems exist for the reporting and responding to occurrences of child sexual abuse, and how successful are these processes in ensuring that interventions are both timely and appropriate?
6. In the region of Southern Rajasthan, which social and cultural variables are responsible for the incidence of child sexual abuse as well as its continued prevalence?
7. In the judicial system of Southern Rajasthan, how are incidents of child sexual abuse investigated, prosecuted, and judged, and what problems are encountered during the process?
8. In Southern Rajasthan, survivors of child sexual abuse and the families of those survivors want to know more about the psychological and social effects of their experiences.
9. What responsibilities do child protection agencies, nongovernmental organisations, and other organisations play in the prevention and treatment of child sexual abuse in Southern Rajasthan, and how successful are they in doing so?
10. What kind of training and assistance do professionals in Southern Rajasthan who work in disciplines like as law enforcement, healthcare, education, and social work get, and how do they view and react to incidents of child sexual abuse?

### **1.10 Historical Perspective**

Abuse of children in a sexual manner is a problem that has, sadly, been present throughout history. This problem is both upsetting and painful. There is evidence to imply that sexual abuse of children has been widespread throughout a variety of civilizations and time periods. This is despite the fact that it is difficult to offer a full

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historical perspective on child sexual abuse owing to the scant material available and the cultural differences that exist. There is evidence that children were subjected to sexual exploitation and physical abuse in ancient civilizations, such as Ancient Greece and Rome. In ancient Greece, for instance, the practise of pederasty, in which adult males participated in sexual relationships with young boys, was considered normal and acceptable behaviour. Likewise, it was known to happen in ancient Rome that children, especially those who were held as slaves, were subjected to sexual abuse.

The susceptibility of youngsters to being sexually abused by adults lasted throughout the middle Ages. Children, particularly those from lower social groups, were especially vulnerable to exploitation by the affluent and powerful in feudal civilizations because of the power dynamics that existed within such communities. In addition, there were cases of sexual abuse that occurred inside religious institutions as a result of members of the clergy abusing the trust and power that was bestowed upon them.

The 19<sup>th</sup> and 20<sup>th</sup> centuries saw the beginning of the contemporary knowledge and identification of child sexual abuse as a societal issue. This process started in the 19th century. A greater awareness of the problem may be attributed to a number of factors, including the enactment of legislation protecting children, the founding of organisations dedicated to the welfare of children, and the advancement of psychiatric knowledge about the effects of child abuse on young people.

In the latter half of the 20<sup>th</sup> century, a number of high-profile court cases and controversies involving the sexual abuse of children brought the topic to the attention of the general public. These incidents, such as the uncovering of organised paedophile networks and the discoveries of widespread abuse inside the Catholic Church, led to an increase in scrutiny, legal action, and measures to prevent and address the sexual abuse of children. Before the late 1800s, the practise of sexually abusing children was simply not recognised. Despite the fact that it would be comforting to assume that child sexual abuse did not occur, the reality is that it occurred. It just did not have that label attached to it. There are allusions to sexual abuse of children throughout the Bible, and more complete records of abuse can be found in ancient Roman and Greek civilizations. In point of fact, sexual abuse of children has been recorded throughout history. According to the documents that have been found, child abuse, particularly

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the sexual abuse of children, was common even in colonial America. The phrase “the history of childhood is a nightmare from which we have only begun to awaken,” was first written by De Mause and published in 1974 in the book “The History of Childhood,” which is considered to be a classic examination of childhoods in various historical periods. The farther one goes back in time, the more primitive the quality of child care was, as well as the more probable it was that Children are to be murdered, deserted, tortured, terrorised, and sexually assaulted”. (Mause Page.78)

Based on this remark, it seems that sexual assault has been around for a very long time and is not a new occurrence. Around the middle of the 1800s, the only people who acknowledged sexual abuse were the people who had been abused.

It’s possible that the Frenchman Ampoise Tardieu wrote the first significant study on the subject of sexual abuse of children. As a forensic medical specialist, he recorded 515 incidents of sexual offences in the year 1862, 420 of which were perpetrated on minors who were less than 15 years old. He mentioned more than 11,000 occurrences of completed or attempted rape over the course of 11 years, with children being 80 percent of the victims in these situations.

### **1.10 Historical Record of CSA in India**

India is home to around 19% of the world’s total children, making up 42% (or more than one third) of the global total. Children make up almost half the entire population of India, and around half of these youngsters are in need of care and protection. In the year 1998, the Indian non-governmental organisation known as Recovery and Healing from Incest carried out the country’s first ever research project on CSA in India. Seventy-six percent of the people who took part in the study said that they had been mistreated while they were children or teenagers.

As part of its commitment to the United Nations Convention on the Rights of the Child, India made a commitment to safeguard its children from all types of sexual abuse and exploitation.

Not very long ago, the query would have been received with either a quiet silence that seemed perplexed or a tacit response that acknowledged that it although it exists, it is too small, too little, and too far away to be a priority. Today, however, the answer to the question is more likely to be the former.

However, in 2007, the findings of a nation-wide study on child abuse were

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made public by the Ministry of Women and Child Development. This poll included 12,500 children from 13 different states, and it was conducted in 2007. More over half of respondents, 53%, reported having experienced one or more types of sexual abuse at some point in their lives. If one were to extend this information, it would suggest that one kid out of every two has been subjected to some kind of sexual abuse. More over twenty percent of people who were questioned revealed that they had been victims of serious types of sexual abuse. Boys made up 57% of the population that reported having experienced sexual abuse at some point in their lives.

The National Crime Records Bureau (NCRB) report titled Crime in India, 2014 found that the rate of crimes perpetrated against children was 20.1% for every one lakh population of children (up to 18 years of age). A total of 10,854 incidents of child rape were recorded in the nation in 2015, representing a decline of 26.8 percent during the course of the year 2015 when compared to the number of 13,766 cases that were reported in 2014.

### **1.11 Status of Child Sexual Abuse in India**

Abuse of children on a sexual basis is still a big problem in India. The following is a list of important information on the current state of child sexual abuse in this country:

- Abuse of children occurs often and may occur to children from any socioeconomic level. This problem is called the prevalence rate. Numerous investigations and polls have shown consistent evidence of high prevalence rates. On the other hand, it is essential to keep in mind that underreporting is a serious problem, which suggests that the true numbers might be far higher.
- Abuse of a sexual nature may occur to children of any age, from newborns to teenagers, and it does not matter what gender the victim is. Abuse may happen to anybody, whether they are male or female; nevertheless, it is often believed that females are at a larger danger than boys.
- **Perpetrators:** Sexual abuse of children may be committed by a wide variety of people, including family members, neighbours, friends, teachers, and religious leaders, as well as by complete strangers. According to the findings of several studies, a significant proportion of incidents involve individuals already known to the kid.
- Reporting Child Sexual Abuse Cases in India Remains a difficulty owing to

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Fear, Stigma, and a lack of awareness of the problem reporting child sexual abuse cases in India remains a difficulty owing to reasons such as fear and stigma. The overarching objective of the judicial system, which includes the Protection of Children from Sexual Offences (POCSO) Act, is to provide victims both protection and access to justice. Despite this, there are still holes in the implementation, delays in the legal procedures, and a need for more stringent measures to safeguard the safety and well-being of children.

- Awareness and Support: In recent years, there has been a rise in the number of efforts to raise awareness of child sexual abuse. Helplines, nongovernmental organisations (NGOs), and support organisations are all working to give victims with counselling, rehabilitation, and legal assistance. When it comes to making the world a safer place for children, things like public awareness campaigns, educational programme, and community involvement are all quite important.

### **1.12 Chapterisation**

#### **Chapterisation of Research**

The research work is divided into seven chapters.

The chapterisation is as follows:

#### **Chapter 1: INTRODUCTION**

This chapter consists of the basic outline of this research. This chapter sets the background of the research work and deals with the essential components of research such as title of the research work; scope of study; importance of study; objectives of the study; research hypothesis; research question; research gaps; review of literature and the tentative chapterisation

#### **Chapter 2: CHILD SEXUAL ABUSE IN INDIA, ITS CAUSES AND EFFECTS**

This chapter mainly focuses on the meaning of child sexual abuse in southern Rajasthan, also focuses on what are the causes of child sexual abuse and its increase even after the implementation of POSCO ACT 2012.

#### **Chapter 3: LEGISLATIONS AND LAWS RELATED TO CHILD SEXUAL ABUSE**

This chapter discusses the existing legislative framework on child sexual abuse in southern Rajasthan. The detailed analysis of the current legislative structure is

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given trying to find the answer to the question that whether the current legislative framework is adequate to deal with the issue of child sexual abuse.

#### **Chapter 4: ROLE OF FAMILY- FACTORS IN CHILD ABUSE: REFLECTING THE PERSONALITY OF CHILDREN**

The chapter titled “Role of Family Factors in Child Abuse: Reflecting the Personality of Children” would provide a thorough examination of the intricate dynamics within families that contribute to child abuse and how these factors shape a child's personality. It would start with a model for understanding child abuse and family stresses, followed by detailed descriptions of various forms of child abuse and neglect, including physical, emotional, psychological, and educational aspects, as well as Non Organic Failure to Thrive (NOFTT). The chapter would explore the causes of child abuse, focusing on individual parent factors such as common personality characteristics, psychopathy, depression, psychosis, mental retardation, substance abuse, childrearing experiences, and social isolation. Family factors like parental collusion in maltreatment, scapegoating, the influence of stepparents, reorganized families, and the extended family would be examined. Additionally, the chapter would address environmental factors including chronic stressors, situational stressors, chronic illness, and poverty. It would also highlight important personality determinants such as early experiences, cultural influences, physical attributes, intelligence, emotions, success and failure, and the impact of school and family influences on personality development, culminating in an analysis of personality maladjustments. The conclusion would synthesize these insights, emphasizing the role of family factors in both child abuse and personality development.

#### **Chapter 5: REVIEW OF LITERATURE**

This chapter provides an overview of previous researches which are available in the same field and area of the study.

#### **Chapter 6: FIELD STUDY AND METHODOLOGY**

The chapter titled “Field Study and Methodology” would provide an in-depth overview of the research design and methods employed in a study focused on investigating child victims in Southern Rajasthan. It would start by identifying major cities involved in the research, outline the study's objectives, and state the hypotheses to be tested. The chapter would articulate the problem statement and identify sources

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of information, addressing specific issues pertinent to the study. The methodology section would detail the use of questionnaires and interview schedules, describing their design, distribution, and advantages, particularly the ability to handle large sample sizes and gather in-depth information. It would discuss the research methods and tools, including the structure and purpose of interview schedules, and elaborate on data analysis techniques. The research design would encompass the universe of the study, selection of respondents, and data sources, including both primary and secondary data. The chapter would describe a pilot study and the tools and techniques for data collection, addressing any problems faced by the researcher. It would include a research outline, an interview guide, and a case study approach. The process of data tabulation, analysis, and field experiences would be covered, alongside the study's limitations. Finally, it would present a model of design for the research, list the data sources, map and list the study area, describe the tools and techniques of analysis, and conclude with a summary of the findings and methodology.

#### **Chapter 7: ANALYSIS AND INTERPRETATION OF DATA**

The chapter titled “Analysis and Interpretation of Data” would begin with an introduction that sets the stage for the importance and methodology of data analysis in the study. It would describe the tools used for data collection and analysis, highlighting the necessity and scope of questionnaires for both teachers and students. The chapter would detail the sources of data collection, followed by a thorough analysis of the collected data, including a specific questionnaire designed for the general public. It would provide an analysis of responses from police personnel, listing select police stations involved in the study. The chapter would then discuss the testing of the hypotheses formulated earlier in the research, and conclude with suggestions for future enhancements of the study. Throughout, it would incorporate various data points, questions, and interpretations, ensuring a comprehensive understanding of the findings.

#### **Chapter 8: FINDING, CONCLUSION, AND SUGGESTIONS**

The chapter titled “Finding, Conclusion, and Suggestions” would comprehensively present the outcomes and recommendations derived from the study. It would begin by reiterating the specific objectives of the research, followed by a detailed presentation of the main findings. The chapter would explore the



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consequences of physical abuse on children, particularly in terms of health and education, and identify significant associations using Chi-Square tests. It would discuss the various types of sexual abuse experienced by victims and analyze the reporting of such abuse in the context of Indian law as of 2024. The limitations of the present study would be acknowledged, and a series of suggestions would be proposed to address the identified issues. A recap section would summarize the key points, followed by a point-wise listing of major findings. Additional suggestions, including those for the government based on informal interviews, would be provided. Finally, the chapter would outline the scope for future research, indicating areas where further investigation is needed to build on the current study's findings.

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# CHAPTER II

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## CHAPTER II

### CHILD SEXUAL ABUSE IN INDIA, ITS CAUSES AND EFFECTS

This chapter will mainly focus on the real meaning of child sexual abuse in southern Rajasthan, also focus on what causes the child sexual abuse is increasing even after the POSCO ACT 2012.

- 2.1 Definition of Child
- 2.2 Types of Child Sexual Abuse
  - 2.2.1 Physical abuse
    - 2.2.1.1 Abuse by the guardian and other family members:
    - 2.2.1.2 Abuse by Employer:
    - 2.2.1.3 Abuse of Rag Pickers and Street Children: Abuse or Crime
    - 2.2.1.4 Abuse during trafficking:
  - 2.2.2 Emotional Abuse:
  - 2.2.3 Sexual Abuse:
  - 2.2.4 Different Forms of Child Sexual Abuse
- 2.3 The causes of Child Sexual Abuse
  - 2.3.1 Traditional Beliefs and Myths:
  - 2.3.2 Effects of Child Sexual Abuse
  - 2.3.3 Dissociation and Memory Impairment:
- 2.4 Impact on Relationships:
- 2.5 Economic Implications:
- 2.6 Why do Child sexual abuse cases go unreported in India?
- 2.7 Landmark Case: Tuka Ram and Anr V State of Maharashtra 1979
- 2.8 Review of Indian Data
- 2.9 Misuse of POCSO Act, 2012
- 2.10 Loopholes in POCSO Act, 2012

#### **2.1 Definition of Child**

There is no consistent and globally acknowledged definition of kid since numerous international treaties and municipal ordinances in India have varied definitions of the word child depending on the goal for which the treaty or legislation was drafted.

Different legislation regards age to be the primary criterion for designating a kid. Among the key meanings of the word “child” in different international and local regulations are:

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- *The word 'Child' is defined in the 1989 Convention on the Rights of the Child as "[...] any human being under the age of eighteen years, unless majority is attained earlier under the law applicable to the child."*
  - *Article 2 of the 1999 International Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor defines child as "all persons under the age of 18."*
  - *Section 2(aa) of the Immoral Traffic (Prevention) Act, 1956 defines "child" as "any person under the age of sixteen."*
  - *Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015 defines "child" as "any person under the age of eighteen."*
  - *Section 2(a) of the Prohibition of Child Marriage Act, 2006 defines "child" as "a person who has not completed twenty-one years of age, if a male, and eighteen years of age, if a female."*
  - *According to Section 2(c) of the Factories Act of 1948, "child" denotes "a person who has not completed his fifteenth year of age."*
  - *According to Section 2(d) of the Protection of Children from Sexual Offenses Act of 2012, "Child" implies "any person under the age of eighteen."*
  - However, it is worth noting that in most legislation, the age of 18 years is used as a criterion for classifying a person as a kid; hence, for the purposes of this research, the definition of child is based on the Protection of Children from Sexual Offenses Act, 2012.

## 2.2 Types of Child Sexual Abuse

The concept of 'Child Abuse' can vary in meaning across diverse cultural contexts and socio-economic circumstances. The establishment of a universally accepted definition of child abuse within the Indian context remains elusive and undefined. Nevertheless, prior to in order to comprehend the phenomenon of 'child abuse,' it is imperative to grasp the concept of abuse as delineated by the various definitions provided below. Black's law dictionary defines the word 'abuse' as "everything which is contrary to a good order established by usage, departure from reasonable use, improper use, physical or mental maltreatment, deception".

Oxford Advance Dictionary defines 'abuse' to mean "wrong or bad use or treatment,

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exploit, unjust or corrupt practice, acts which are insulting, offensive.” (45)

Chambers dictionary defines ‘abuse’ as “to make a bad use of, to take undue advantage of, to betray, to misrepresent, to deceive, to revile, to maltreat, to violate, an evil or corrupt practice, deceit, hurt, betrayal, ill-usages, outrage etc.”(9)

The word “abuse” refers to a broad range of conduct, not just one particular kind of act. Differentiating between actions that are considered appropriate and those that could be considered abusive to children has proven to be challenging. The word “child” Abuse refers to a wide variety of behaviors and mistreatment of children. However, child abuse can be classified into the following types as per the Study on child abuse 2007:

- Physical abuse
- Emotional abuse
- Sexual abuse

### **2.2.1 Physical abuse**

Is a prevalent occurrence within our society, particularly within families and institutions such as schools, orphanages, and shelter homes? It involves the act of inflicting physical injury upon a child. The term “physical abuse” refers to the act of inflicting significant bodily pain upon a child through actions such as beating, kicking, slapping, punching, burning, and poking, among others.

The justification for inflicting pain upon a child by family members or school teachers is frequently based on the notion of discipline, aiming to correct the child’s behavior, foster moral development, or rectify their mistakes. However, from a legal perspective, these activities are considered offenses and are subject to punishment under the Indian Penal Code (IPC) and other specific legislation such as The Right to Education Act, 2009.

Physical abuse of a child is classified into the following types:

#### **2.2.1.1 Abuse by the guardian and other family members:**

The term ‘guardian’ should be broadly defined to cover all forms of guardians, including natural guardians, testamentary guardians, and conservators. De-facto guardian, Court-appointed guardian, and Guardian through adoption are all options. Whereas a relative is someone who is linked to the kid via his or her father or mother,



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regardless of whether they live in the same home or not. The guardian or relatives who are truly the kid's well-wishers may inflict reasonable pain on the youngster to teach or correct him/her when they make frequent faults. The same suffering, however, may constitute physical assault if the pain caused is significant and results in long-term or internal injuries.

Physical neglect is another kind of physical abuse by a guardian.

Physical neglect denotes a lack of concern for the kid's total development, such as a lack of sufficient medical treatment, a lack of suitable housing, malnourishment, not sending the child to school, not participating in employment, and so on.

#### **2.2.1.2 Abuse by Employer:**

Child labor is a kind of physical abuse in and of itself. Child labor is illegal in our nation, yet it has long been practiced time. Even some law has allowed youngsters above the age of 14 to work under specific conditions. Children who work in the organized sector, the unorganized sector, or even in private households are often subjected to physical abuse at the hands of their employers, whether by forcing them to work in dangerous conditions, forcing them to work overtime, or by direct physical attack.

#### **2.2.1.3 Abuse of Rag Pickers and Street Children:**

Rag pickers and street children are the most vulnerable groups of children, making them perfect targets for any sort of abuse.

#### **Abuse or Crime**

These children are the most often abused since they lack a guardian or well-wisher to safeguard them from any unanticipated event. If they engage in any activity that others do not approve of, they are often attacked or beaten up by police, municipal officials, security guards, businesses, or even by passers-by. Again, the Rag pickers are at risk of contracting serious infections as a result of their unsanitary living conditions.

#### **2.2.1.4 Abuse during trafficking:**

Child trafficking is a well-organized crime with several objectives. Kidnapping is a widespread method of human trafficking. Intoxicating and euphoric. Whatever the reason or form of trafficking, one thing is constant: the victim suffers from major

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bodily ailments and agony due to a lack of food, and they often endure threats or beatings during or after the trafficking process.

### **2.2.2 Emotional Abuse:**

Emotional abuse is also known as verbal abuse, mental abuse, and psychological maltreatment. It comprises behaviors or omissions to respond by parents or caregivers that have caused or potentially cause substantial behavioral, cognitive, emotional, or mental trauma. Every kid has the right to live his or her life freely, free of prejudice, neglect, ill treatment, or any other behavior that might expose him to emotional abuse. Although emotional abuse is not defined as a crime in any legislation to this day, from a psychiatric standpoint, such abuse has long-term negative effects on the child's psyche, resulting in abnormal mental health. Among the most prevalent types of emotional abuse are restrictions on the enjoyment of rights, discrimination on the basis of race and gender, comparison with other children, forcibly sending them to boarding school dormitories, and so on?

### **2.2.3 Sexual Abuse:**

Child Sexual Abuse (CSA) encompasses instances of sexual victimization involving individuals in the age range of infancy to adolescence. The behaviors encompass a range of actions, including instances of incestuous abuse, rape, and various degrees of sexual assault, ranging from minimal physical contact such as caressing to more explicit actions such as fondling.

The child's intimate areas are causing disruptions to their overall welfare. Additionally, it may encompass the dissemination of child pornography, the act of exposing one's genitals to a minor, and engaging in inappropriate advances towards a child. Several definitions of CSA exist:

#### **P.D. Mathews defines child sexual abuse as-**

*"CSA includes implying, using, inducing or coercing, any child to engage in illicit sexual conduct. It also includes the use of children in assisting with other persons to engage in explicit sex".*

#### **Sakshi defined CSA as-**

*"Child sexual abuse includes an adult exposing his /her genitals or persuading the child to do the same; and adult touching the child's genitals or making the child touch*

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*the adults genitalia an adult involving a child in pornography; an adult having oral, vaginal, or anal intercourse with a child; any verbal or sexual or other suggestion made to a child by an adult and so on. Sexual abuse of children can take place in the family, in the neighbourhood in school, in institutions and on the street. The abuser, generally a male, usually violates a relationship of trust with the child, taking advantage of his power and position.”*

**Asha Bajpai in her article, “CSA; Need for Law reforms” stated that-**

*“Child Sexual abuse is an activity relating to sex organs, engaged in for sexual gratification, which takes advantage of and violates or deceives young children”*

**The National Centre on Child Abuse and Neglect (NCCAN) defines ‘sexual abuse’ as –**

*“Any childhood sexual experience that interferes with or has the potential for interfering with a child’s healthy development”.*

**The United Nation has defined child sexual abuse as-**

*“Contacts or interactions between a child and an older or more knowledgeable child or adult (a stranger, sibling or person in a position of authority, such as a parent or caretaker) when the child is being used as an object of gratification for an older child or adults sexual needs. These contacts or interactions are carried out against the child using force, trickery, bribes, threats or pressure”*

**Prof. Finkelhor an eminent Psychiatrist in the year 1987 stated that-**

*“Child Sexual Abuse is most commonly used in reference to sexual activity involving a child that has at least one or two characteristics; i.e. it occurs, within a relationship where it is deemed exploitative by virtue of an age difference or caretaking relationship that exist with the child; it occurs as a result of threat, coercion or force”.*

**The Supreme Court in a case observed that –**

*“Sexual abuse can be in any form like, sexual molestation or assaulted or encouraging, inducing or forcing the child to be used for the sexual gratification of another person, using a child or deliberately exposing a child to sexual activities or pornography or procuring or allowing a child to be procured for commercial exploitation and so on”*

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The latest addition to Indian law on child protection from abuse namely the POCSO Act although does not define the term Child Sexual Abuse but it defines sexual harassment of a child, as:

“A person is said to commit sexual harassment upon a child when such person with sexual intent,-

1. Utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of the body shall be seen by the child;  
or
2. Makes a child exhibit his body or any part of his body so as it is seen by such person or any other person;
3. Shows any object to a child in any form or media for pornographic purposes;
4. Repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means;
5. Threatens to use in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act;
6. Entices a child for pornographic purposes or gives gratification there for.”(POCSO Act 5)

#### 2.2.4 Different Forms of Child Sexual Abuse

- **Exploitation** refers to the act of utilizing a minor for sexual purposes, typically involving activities such as engaging in prostitution, producing or distributing child pornography, or subjecting the child to sex trafficking.
- **Grooming** refers to the systematic approach employed by an individual who intends to exploit and exert dominance over a child through the establishment of trust, ultimately leading to instances of sexual abuse. This may encompass the act of presenting gifts, displaying affection, or employing alternative strategies to establish a sense of trust with the child.
- **Child sexual exploitation** online (CSEO) refers to the occurrence of abuse within the digital domain, wherein an adult employs coercion or manipulation to induce a child into participating in sexual activities or sharing explicit

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material via online platforms.

- **Incest** refers to the occurrence of sexual abuse within the familial context, whereby a child is subjected to sexual acts perpetrated by a family member, including but not limited to a parent, sibling, or extended family member.
- **Child sexual assault** refers to any type of sexual contact or activity with a child that occurs without their consent. This encompasses a range of acts, such as rape, attempted rape, or other forms of sexual assault.
- **Child sexual harassment** refers to the sustained and unwelcome sexual advances or remarks specifically targeted at a child, thereby establishing an environment that is hostile or uncomfortable for the child.
- **Child marriage** remains a prevalent practice in certain cultures and regions, wherein minors, particularly young girls, are compelled to enter into marital unions with significantly older individuals. This phenomenon frequently results in the initiation of premature sexual relationships and instances of abuse, as the child lacks the capacity to provide informed consent.
- **Child sex tourism** refers to the phenomenon where individuals travel to foreign countries with the intention of engaging in sexual activities with children. This exploitative behavior takes advantage of the comparatively lax legal frameworks and prevalent poverty in these destinations.
- **Child Sexual Abuse Material (CSAM)** refers to the creation, dissemination, or possession of explicit content that depicts minors participating in sexual activities. The aforementioned encompasses child pornography, an illicit and detrimental activity.
- **Child-on-Child Sexual Abuse:** On certain occasions, children or adolescents may exhibit sexually abusive behaviors directed towards their peers or younger individuals. This phenomenon may arise as a consequence of individuals being exposed to inappropriate content or having previously experienced victimization.

### 2.3 The Causes of Child Sexual Abuse

Child sexual abuse is a multifaceted and profoundly disconcerting phenomenon that can stem from a range of underlying factors. To comprehend the precise

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determinants within a specific locale such as Southern Rajasthan, it becomes necessary to analyze a confluence of cultural, social, economic, and individual factors.

- **The presence of poverty and limited educational opportunities** in certain regions may contribute to an increased prevalence of child sexual abuse. The condition of poverty can give rise to feelings of desperation and vulnerability, leading individuals to be more susceptible to exploitation. Similarly, a lack of access to education can contribute to a diminished understanding of child rights and the necessary measures for their protection.
- **Cultural Norms and Practices:** Certain cultural norms and practices within specific communities have the potential to perpetuate detrimental attitudes towards children, thereby increasing their susceptibility to abuse. Child sexual abuse can be further exacerbated by the occurrence of early marriages and the presence of gender-based discrimination.
- **The concealment of child** sexual abuse can be attributed to a dearth of knowledge regarding the matter and the absence of a conducive atmosphere that encourages reporting. The potential for stigma or reprisals may act as a deterrent for individuals who have experienced harm or have witnessed it from reporting their experiences.
- **Insufficient Child Protection Systems:** Child protection systems that are weak or lack adequate resources may exhibit shortcomings in their ability to effectively prevent and address instances of child sexual abuse. These factors encompass insufficient implementation of legal measures, restricted availability of support services, and the lack of specialized training for professionals involved in addressing such instances.
- The region of Southern Rajasthan has been identified as a potential transit point or final destination for both migration and trafficking activities. Consequently, this situation poses an increased vulnerability for children, who are at a heightened risk of exploitation, including instances of child sexual abuse.
- The occurrence of substance abuse within a community has the potential to contribute to instances of child sexual abuse. Individuals who engage in

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substance abuse may exhibit a higher propensity for engaging in abusive behaviors, thereby increasing the vulnerability of children within such environments.

- The presence of power imbalances within familial or institutional settings can give rise to circumstances conducive to the occurrence of corrupt practices. Moreover, the presence of corruption within the system has the potential to impede the thorough investigation and successful prosecution of cases involving child sexual abuse.
- **The proliferation of internet usage and technological advancements** has given rise to a pressing issue of online exploitation and grooming of minors, which poses a significant concern in various geographical areas, including Southern Rajasthan.

**2.3.1 Traditional Beliefs and Myths:** The presence of traditional beliefs and myths within certain communities has the potential to influence and contribute to instances of child sexual abuse. Abusive behaviors may be justified or obscured by employing misconceptions related to masculinity, chastity, or supernatural ideologies.

- The increased probability of child sexual abuse can be attributed to the existence of family dysfunction and dysfunctional relationships, which are characterized by detrimental dynamics such as domestic violence and substance abuse occurring within the household. Children living in such environments may exhibit a heightened degree of vulnerability.
- Regions characterized by conflict, political instability, or humanitarian crises may witness an increase in the prevalence of child sexual abuse. Factors such as displacement, poverty, and insufficient provision of protective services in such circumstances can exacerbate the risks faced by children.
- The lack of gender equality within societies can give rise to heightened vulnerabilities among girls, thereby increasing their susceptibility to sexual abuse and exploitation. The existence of gender inequality has the capacity to perpetuate harmful attitudes and behaviors, leading to the disadvantaged position of girls.

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- The underreporting of incidents of child sexual abuse can be attributed to the existence of social stigma and shame, which serve as obstacles for victims in their efforts to seek assistance or disclose their experiences.
  - The presence of child labor and exploitative practices has been recognized as contributing factors that may increase the susceptibility of children to abuse and exploitation, including cases of sexual abuse.
  - The occurrence of urbanization and its corresponding concentration of population can lead to situations where children are more vulnerable to exploitation and abuse.

### 2.3.2 Effects of Child Sexual Abuse

Child sexual abuse can have profound and enduring consequences for its victims, regardless of its occurrence in various locations, such as Southern Rajasthan. The various impacts of these factors can give rise to significant challenges in the lives of individuals, encompassing physical, emotional, psychological, and social manifestations. The subsequent outcomes of child sexual abuse within this region are as follows:

- ❖ Child sexual abuse can result in a range of physical consequences, including sexually transmitted infections (STIs), gynecological or urological conditions, and injuries resulting from the abuse. Victims may experience chronic pain, digestive disturbances, and sleep disorders as a result of the stress and trauma they have endured.
- ❖ The experience of child sexual abuse can lead to profound emotional and psychological consequences for its victims. Individuals may experience a range of emotions such as dread, rage, guilt, humiliation, and guilt. Frequent adverse outcomes include suicidal ideation and post-traumatic stress disorder (PTSD). Individuals who have experienced victimization may potentially exhibit challenges with self-esteem and engage in self-harming behaviors.
- ❖ Behavioral Modifications: Children who have experienced the trauma of sexual abuse may exhibit significant alterations in their behavior. Individuals may exhibit excessive attachment, withdrawal from social interactions, or a tendency to isolate themselves. Conversely, certain individuals who have experienced victimization may



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exhibit behaviors characterized by aggression or sexually inappropriate conduct, mirroring the actions they have witnessed.

❖ The occurrence of child sexual abuse can significantly impair a child's ability to concentrate, acquire knowledge, and achieve academic accomplishments. Consequently, individuals who have experienced victimization may encounter difficulties in their academic pursuits, leading to a decline in their scholastic performance.

**2.3.3 Dissociation and Memory Impairment:** Certain individuals who have experienced trauma may exhibit memory deficits or fragmented recollections of the abusive events due to their coping mechanisms in response to the traumatic experiences. The adolescent may perceive this as a perplexing and distressing experience.

❖ **Drug Abuse:** Individuals who have experienced abuse may engage in drug misuse as a means of coping with the psychological distress and trauma resulting from the abusive experiences.

❖ The phenomenon of victimization poses a potential risk for individuals who have experienced sexual abuse during childhood, as it may render them more susceptible to future victimization. Victims, owing to their vulnerability, may develop recurring tendencies of engaging in abusive relationships or becoming targets of predatory individuals.

**2.4 Impact on Relationships:** The repercussions of child sexual abuse can have an influence on the victims' interpersonal bonds with their family members, friends, and romantic partners. Trust issues, challenges related to attachment, and the struggle to maintain healthy relationships are commonly observed phenomena.

❖ Individuals who have experienced victimization may exhibit a tendency to withdraw from social engagements due to a lack of trust in others or concerns regarding potential judgment and rejection.

**2.5 Economic Implications:** The enduring consequences of child sexual abuse can potentially impede an individual's ability to secure and maintain employment, pursue educational opportunities, and sustain consistent work, thereby potentially compromising their earning potential. It is imperative to bear in mind that the

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ramifications of child sexual abuse can be intricate and diverse. There exists variability in the level of resilience among victims, leading to differential responses among individuals. The prompt and appropriate intervention, along with access to expert counseling and support services, can significantly contribute to the healing and rehabilitation process of child sexual abuse victims in Southern Rajasthan.

### 2.6 Why do Child sexual abuse cases go unreported in India?

- Due to the prevailing social stigma surrounding instances of such maltreatment, the criminal justice system consistently falls short in adequately addressing the requirements of children who have experienced sexual abuse.
- Due to the presence of shame and associated social stigma, it is not surprising that the underreporting of child sexual abuse (CSA) is prevalent, particularly when the abuse occurs within the familial setting.

The issue at hand is not limited to India alone; rather, it is prevalent in collectivist societies throughout Asia, where the well-being of the family takes precedence over acknowledging an individual's personal experience in order to shield them from the shame associated with instances of sexual assault.

### 2.7 Landmark Case: Tuka Ram and Anr V State of Maharashtra, 1979

This case is also known as the Mathura case.

A minor from an indigenous community was subjected to sexual assault while in custody, perpetrated by two law enforcement officers. The presiding judge in the case determined that the woman had provided her consent, thereby bringing attention to the legal framework surrounding rape in India. Subsequently, the Bombay High Court rendered a decision highlighting the failure of session court judges to distinguish between rape and consensual sexual intercourse, particularly in their interpretation of consent and passive submission.

The aforementioned findings led to the defendants being convicted of rape. Subsequently, the Supreme Court determined that the female individual potentially instigated the male individuals, as there was an absence of evidence regarding an assault on the female's person or any discernible attempt to counteract the situation. The alteration of our rape laws has been a significant outcome resulting from the aforementioned judgmental justification. Several examples are listed below:

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The Criminal Law (Second Amendment) Act of 1983 introduced an amendment to the Indian Evidence Act, specifically in the form of section 114(A). This provision pertains to cases involving rape prosecutions, wherein it has been previously established that the accused party participated in sexual activity. In such instances, if the victim asserts that she did not provide consent, the court is mandated to presume, as a rebuttable presumption of law, that she indeed did not give her consent.

The amendment made to Section 376(2) of the Indian Penal Code, 1860 incorporated the offense of custodial rape, which pertains to instances where the perpetration of rape takes place while the victim is under the custody of the state.

Individuals who violate section 376(2) are subject to both monetary penalties and severe incarceration, ranging from a minimum of ten years to a potential life sentence. The Act modified the allocation of the burden of proof, which traditionally rests with the prosecution. In instances of rape where sexual intercourse has been established, the burden of proof will now shift to the accused party.

Consequently, the Mathura rape case held significant social and legal implications. The occurrence of widespread demonstrations and public outrage in response to large-scale rape cases in India marked a significant turning point. This event paved the way for substantial enhancements to Indian rape legislation through the enactment of the Criminal Legislation (Second Amendment) Act of 1983.

## 2.8 Review of Indian Data

India has 440 million children, accounting for 19% of the world's child population. According to a UNICEF study done between 2005 and 2013, CSA among Indian girls was 42%.

According to a 2007 study by the Ministry of Women and Child Development (MWCD) of the Government of India, the prevalence of all sorts of child abuse is very high (physical assault [66%], sexual abuse [50%], and emotional abuse [50%]). This large state-sponsored survey in India found that 53% of persons had CSA.

More over 20% of boys reported significant sexual abuse, such as sexual assault, being forced to touch or reveal their private parts, and being photographed in their underpants. In both big polls, the majority of the abusers were either known to the child or in positions of trust or authority. Coworkers, personal friends, neighbors,

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relatives, and acquaintances are among the most common abusers, according to several data. The Honourable Delhi High Court remarked that child incestuous rape was recorded in 215 of the 1704 rape cases registered in the city's capital in 2014.

Child sexual abuse is a major topic all throughout the globe, including India. Several reasons lead to child sexual abuse instances being underreported in India:

**Stigma and Shame:** One of the key causes for underreporting is the societal stigma involved with disclosing sexual abuse. Victims and their families often fear humiliation, social isolation, and harm to their reputation, which may discourage them from reporting the abuse.

**Fear of reprisal:** Perpetrators, particularly if they are known to the victim or in a position of authority, may threaten reprisal against the victim or their family if they speak out.

**Lack of Awareness:** Many people, including parents and caregivers, may be uninformed about child sexual abuse, its symptoms, and its consequences. Lack of knowledge might make it difficult to recognize and report such situations.

**Distrust of Authorities:** Some victims and their families may lack confidence in the authorities or the court system to handle their cases properly and respectfully. This mistrust may hinder reporting.

**Inadequate Reporting methods:** In certain areas of the nation, reporting methods and support services for victims of child sexual abuse may be inadequate or difficult to obtain.

**Social Power Dynamics:** In certain circumstances, the offender may wield enormous social or economic power, making it difficult for victims to come forward owing to fear of victim-blaming and a lack of support.

**Cultural and religious beliefs** may impact the perception of child sexual abuse and alter the reporting procedure.

**Legal complications:** The legal procedure may be difficult and time-consuming, contributing to victims' and their families' reluctance to disclose abuse.

**Dearth of Child-Friendly Reporting Spaces:** There may be a dearth of child-friendly reporting spaces where victims may feel secure and comfortable discussing their experiences.

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**Poor Communication:** In certain circumstances, children may be unable to explain their experiences adequately, and adults may fail to notice the indicators of abuse.

**Gender Inequality:** Gender inequality may play a key influence in underreporting in a patriarchal country like India. Due to highly established cultural standards, victim-blaming attitudes, and uneven power relations, female victims may encounter extra hurdles.

**Lack of Trust in Institutions:** There may be a lack of trust in child welfare institutions such as schools, daycare facilities, and social services. Victims and their families may be hesitant to disclose abuse inside these institutions for fear of penalties or a lack of responsibility.

**Limited Support services:** In many regions of India, there are few services devoted to assisting victims of child sexual abuse. A lack of access to counseling, therapy, and rehabilitation programs may discourage people from reporting.

**Professionals Who Are Inadequately taught:** Some professionals who come into contact with abused children, such as teachers, healthcare workers, and law enforcement officers, may be insufficiently taught to spot indicators of abuse and react effectively.

**Abuse Normalization:** In certain cases, child sexual abuse may be normalized or dismissed as a minor problem, particularly in specific communities or family circumstances, leading to the idea that reporting would not result in any significant impact.

In circumstances when the abuser is a **family member or close cousin,** disclosing the abuse may lead to severe family difficulties and pressure to keep quiet in order to maintain the family's image.

Concerns about privacy and secrecy often dissuade victims from reporting abuse, particularly in close-knit societies where news spreads rapidly.

### **2.9 Misuse of POCSO Act, 2012**

The Protection of Children from Sexual Offences Act, 2012 (POCSO) was created in response to an urgent need from a community besieged by a growing number of heinous crimes against young children. Fear of such crimes, in which children are transformed into mere objects to satisfy the desires of perverted minds at a time when

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kids should be learning and playing, was suffocating the country's future.

The enactment was a success in many aspects. The Act was designed primarily to protect children from crimes like as sexual assault, sexual harassment, pornography, and other activities that jeopardize and harm the child's safety and well-being. The Act recognizes these actions as heinous and repulsive, and it aims to handle them effectively via the judicial system. It aims to establish Special Courts to try such offences in conformity with the law. While the Act has several issues, there is no doubt that it has recognized the depravity of such offenses and created a separate legal pathway for victims who are young children and may be intimidated and further traumatized by the tedious and lengthy judicial process that follows.

The Act includes a detailed and categorical classification of offenses, appropriate punishments, recognition of the threat of child pornography, the establishment of Special Courts for trying POCSO cases, other infrastructure, procedural safeguards to ensure justice and protect the interests of the child victim, and other features. These are really appreciated. Though we may want for a utopian society in which children are happy and free, with no such threats to their innocent smiles, reality is much harsher. Given this tragic reality, the Act sets a strong legal framework to deter crime and bring perpetrators to justice.

Regardless, there are times when the legislation is plainly being misused. This study focuses on one such violation of the POCSO Act. In many situations handled by POCSO, children have been compelled to make false charges, resulting in bogus complaints being made against innocent persons who are branded as horrific perpetrators and their identities dragged through the dirt. This is occasionally done to exact retribution or to sway other cases such as marital issues, property disputes, and so on. Such statements are, without a doubt, a misuse of fundamental justice notions. There is no disputing, however, that such events are growing increasingly regular. This is a major problem that jeopardizes the integrity of the Act.

It is worth mentioning that legislators acknowledged and included the potential of fake reports into the POCSO Act. Several sections of the Act require the public to report any suspicions or information they may have about the commission of such a

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crime. It should be emphasized that no one will face civil or criminal liability for giving such information in good faith as indicated in S 19. S 22 does, however, provide for a punishment if false complaints or information are submitted. A child is exempt in this regard. A false complaint filed by anybody else with the intent to humiliate, extort, threaten, or slander is punishable by up to six months in jail or a fine, or both. False information or a false complaint filed against a child, if such allegation is known to him to be false, may result in up to a year in prison, a fine, or both, victimizing the child.

Following a careful analysis of POCSO cases before the Supreme Court of India<sup>1</sup> and the Kerala High Court, other comparable incidents were uncovered. The Court in *Samsher Singh Verma v State of Haryana* considered the possibility that the allegation was false and thus allowed the accused to present evidence in the form of a recorded conversation that could reveal that the complaint was brought up solely to subdue the accused in a property dispute.

We discovered that a continuous marital quarrel encouraged the parties to level false charges against one another in order to obtain an advantage in the matrimonial struggle in a number of cases.

Some examples include *Jaseer Aboobaker v State of Kerala*, in which it was claimed that fraudulent accusations were made in order to interfere with the father's visiting rights. The Court thinks that "serious allegations have been leveled for the purpose of obtaining a favorable order in the petition for custody pending before the Family Court and cannot be casually dismissed." *In Anu P. Kumar v State of Kerala*, the accused denied sexually assaulting his 15-year-old daughter, claiming the allegation was false and fabricated in a plot to exact revenge on his wife, with whom he had a strained relationship due to matrimonial disputes. In this case, the Court evaluates the excessive delay in filing the complaint, as well as a number of other factors, and determines that the 19-month delay in registering the action is especially notable. Following a review of prior SC rulings in this area, the HC decides that "often than not, result in embellishments and exaggerations, which are the creations of

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<sup>1</sup> The Supreme Court of India (ISO: Bhārata kā Sarvōcca Nyāyālaya) is the supreme judicial authority and the highest court of the Republic of India. It is the final court of appeal for all civil and criminal cases in India. It also has the power of judicial review.

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afterthoughts.” The delayed report not only misses the advantages of spontaneity, but it also runs the danger of incorporating coloured versions of inflated descriptions of happenings or a contrived tale as a consequence of considerations and consultation, casting major concerns on the validity of the prosecution case.’ *Suhara and Ors. v Muhammed Jalee* is another compelling case in which the Court addresses this issue directly, stating that “there is a growing tendency in recent years to foist false crimes against the biological father alleging sexual abuse of own child misusing the provisions of the POCSO Act when the serious fight for custody of the ward is pending resolution before the Family Courts.” As a consequence, it promotes great caution and a careful examination of the facts and circumstances in order to completely exclude the possibility of a false complaint.

Consider the case of *Varun Bansal v Vibha Bansal*, in which the parties divorced and the mother was granted custody of their daughter. The father had visitation privileges but chose to seek for nightly custody of his child. Throughout the case, the Court comes to the conclusion that the child was repeating what her mother told her. The mother seems intent to deny the father custody of the child by accusing him of abuse and harassment. It depicts the awful situation in which parental indoctrination causes young children to see their own parents as enemies. According to the Court, “the parents are only caregivers and have no statutory right to custody of the child.” The most crucial consideration is the child’s well-being. It is the Court’s job to protect the interests of the kid. Parents may not use their child to gain an advantage over others, especially while launching POCSO actions against the father. In our judgment, the Court must proceed with considerable care when examining the accusations filed against the child’s father.’ Similarly, in the case *of Swarup Mohan v State of Kerala*, where the alleged victim was the accused’s 13-year-old son and his parents’ relationship was strained, the facts and circumstances raised a high probability that this was a false allegation made by making the child a tool in the hands of his mother, who had her own ends to achieve as she wanted to live in peace with her current partner after the divorce. According to the Court, “the complaint is full of inconsistencies and embellishments.” The long delay in adopting the Act, as well as the events that happened in the meantime, bring me to the conclusion that



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relying just on the victim's tale would be imprudent. It is possible that the applicant made a false conclusion.'

Scheming parents train their children to lie skillfully and to believe they are the victims of a heinous crime that never occurred. In *Ramlal N.R. v State of Kerala and Ors*, a false complaint was lodged against a school van driver, and the facts, together with eyewitness accounts, seemed to show the allegation's falsity. When questioned by the Court about the veracity of her accusation, the victim admits that a police official persuaded her to modify her evidence since her original claim (that the accused hit her hand with his shoulder) would not have resulted in any punishment. The Court observes that in cases when fraudulent accusations are made, the genuine victims are the alleged accused. The accused in *Periyadinesh v State of Kerala and Ors* claims that the allegations were false and baseless, and that they were "made out of misunderstandings in the mind of the young child," and that "the parents of the child have now sworn to affidavits stating that the allegations are made out of misunderstandings and that they have no objections to the grant of bail to the petitioner, etc." It is uncertain what the outcome would have been if there had been a bail petition.

It seems to be a gross breach of the law and of the innocence of young children, as well as an act designed to undermine the very purpose of this legislation. However, we can see that courts have taken a proactive approach to addressing this growing threat, seeking to reduce the possibility of false allegations without endangering justice for either the victim or the accused perpetrator. However, it is still critical to put a stop to this detrimental habit. Higher penalties, for example, may be levied for making false assertions with malicious intent. This must be done with caution, since it will almost definitely dissuade people from reporting such crimes aggressively. Furthermore, judges must delve carefully into the facts and circumstances surrounding the alleged crime, as well as any pertinent data regarding the people involved. This feature must be included in the appropriate authorities' training manuals and handbooks, as well as rigorous investigative or procedural safeguards to ensure that fraudulent claims do not escape through the legal sieve. Using psychiatrists and other such professionals to examine the child's conduct and establish whether or not the child is speaking the truth may be effective in this regard. Other

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options include educating judges and other legal specialists about the psychological foundations of lying, frequent symptoms of lying, and successful tactics for questioning and obtaining the truth.

Misuse of even the most severe legislation for one's own, mostly negative, ends has long been a problem in our legal system. POCSO has not been an exception. However, the Act's primary goal is to provide a sound framework for dealing with the danger of child sexual abuse and bringing offenders to justice. As long as there is crime, the law must be enforced. Meanwhile, to ensure that the essential spirit and purpose of the Act are not undermined by evident misuse, processes must be devised and rigorously implemented to completely remove the plague of false allegations and the severe consequences that come from them.

The Protection of Children from Sexual Offenses (POCSO) Act of 2012 is an important legislative framework in India that strives to protect children from sexual abuse and exploitation. While the legislation serves an important function in protecting children, there have been concerns raised concerning its potential abuse. The following are some of the places where the POCSO Act has been reported or seen to be abused:

**False complaints:** The POCSO Act, like any legal measure, has the possibility of false complaints being made. Individuals with ill purpose may utilize the behavior in certain situations to settle personal scores, harass someone, or gain an edge in a disagreement.

**Misinterpretation of harmless Behavior:** The wide definition of crimes under the POCSO Act may occasionally lead to harmless conduct being misunderstood as sexual offenses, particularly when there is a lack of sufficient knowledge or context.

**Fabricated or Exaggerated Claims:** Some people may exaggerate or create situations in order to depict them as more serious than they were, resulting in unfair repercussions for the accused.

**Excessive Policing and Prosecution:** In certain situations, the police and prosecution may be excessive in their pursuit of charges under the POCSO Act, which may result in unjust targeting of persons without adequate proof.

**Misuse in Custody fights:** In contentious custody fights, one party may exploit false

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claims made under the POCSO Act to gain an edge in court and acquire custody of a child.

**Sensationalism in the Media:** Sensationalist media reporting may occasionally lead to biased coverage of cases, impacting public opinion and interfering with fair trial procedures.

**Lack of Child-Friendly Investigation:** In certain circumstances, the investigation process may fail to fully reflect the child's viewpoint and rights, resulting to possible differences in case management.

### **2.10 Loopholes in POCSO Act, 2012**

Despite being a strong Act, various flaws have been discovered by police officers and other parties involved in its execution.

**Some of the loopholes are noted below:**

- There is no remedy in the Act if there is no woman doctor on duty at the government or private hospital to evaluate the victim girl kid, since section 27 (2) of the POCSO Act requires a lady doctor to examine a female victim child.
- Sexual contact between two minors or between an adolescent and an adult is prohibited under the Act. The POCSO Act makes no provision for consent by people under the age of 18 and is also mute on the possibility of two children participating in any type of sexual conduct. As a result, it restricts the personal liberty of persons under the age of 18 by criminalizing consensual sex between them and making them victims of social persecution.
  - In the case of XYZ v. State of Maharashtra & Anr, the Bombay High Court stated that the majority of nations have placed the age of consent at 14-16 years. Children under the age of 14 are deemed capable of consenting to sex in nations such as Germany, Italy, Portugal, and Hungary. In London and Wales, the legal age of consent is 16. Japan has established the age of consent at 13. The age of consent in Bangladesh is 16, as it is in Sri Lanka. As a result, the court ruled that the age of consent for sex under the Protection of Children from Sexual Offences Act (POCSO Act) and the Indian Penal Code (IPC) should be reconsidered because a large number of cases coming to courts involve minor girls under the age of 18 who have had consensual sex in romantic relationships, and the courts were becoming overburdened as a result of such cases.

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- Child marriage and marital consummation are banned under this Act, but are permitted under the personal laws of different groups in India. The POCSO Act of 2012 makes no mention of this.
  - The Act is more concerned with biological age than mental age. According to clinical psychologists, a young girl aged 22-23 years may have the mental ability of a four-year-old child, yet she will not get redress or justice under the POCSO Act if she is exposed to sexual offenses described by the Act.
  - It is well known that most cases are not reported due to shame, embarrassment, anger, and frustration, but family members will be punished if they do not report the case as mandated in section 21 (1) of the Act, which has made mandatory reporting of FIR in such cases by family members or the head of the office under whose jurisdiction the offence occurred. Family members of victims often do not want to disclose incidents for fear of re-victimization during medical examinations, court appearances, and the response of a poorly educated society.
    - It is well known that most cases are not reported due to shame, embarrassment, anger, and frustration, but family members will be punished if they do not report the case as mandated in section 21 (1) of the Act, which has made mandatory reporting of FIR in such cases by family members or the head of the office under whose jurisdiction the offence occurred. Family members of victims often do not want to disclose incidents for fear of re-victimization during medical examinations, court appearances, and the response of a poorly educated society.
    - Contrary to the normal premise of ‘innocent until proven guilty,’ accused people are regarded guilty under this Act until they are proven innocent. Furthermore, the accused has the duty of proving their innocence, making the Act very punitive. The standards of natural justice are breached here.
    - According to Section 22 (2) of the POCSO Act, 2012, no penalty may be imposed on minors who make false complaints or submit misleading information. However, the same clause of the POCSO Act punishes anyone who submit a false complaint in order to humiliate, extort, threaten, or slander another person. Because the kid is protected from such penalty, many persons take advantage of this exemption and make fraudulent complaints via the underage child.
    - Because the POCSO Act is silent on the documentation necessary to prove the

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victim's or accused's age, both the victim and the accused confront several challenges. In this respect, courts often rely on Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007. This regulation recognizes the child's birth certificate, school certificate, or matriculation certificate as evidence of age. In the absence of these papers, even a passport, which is a legal document, is not recognized, and the kid must take an ossification test to confirm his or her age. This test gives an approximate estimate of the child's age, giving the accused the benefit of the doubt. There is no specific provision in the Act regarding which papers should be evaluated for demonstrating the child's age and whether or not the benefit of the doubt should be awarded.

- However, a division bench of the Supreme Court comprised of Justices S. Ravindra Bhat and Aravind Kumar ruled that a School Transfer Certificate cannot be used to determine the age of a victim under the POCSO Act, 2012, and that whenever a dispute about a person's age arises in the context of her or him being a victim under the POCSO Act, the courts must follow the steps outlined in Section 94 of the Juvenile Justice Act (Care and Protection).

Due to the Act's harsh rules, under-trial offenders housed in prisons in POCSO Act cases must stay in jails for an extended length of time due to non-grant of bail and regular trial, resulting in congestion and constant problems for jail officials. Obtaining bail in such circumstances, especially if involved in a false charge, is very difficult.

- There is a provision for providing 'support people' to victim children, however support persons are seldom supplied, resulting in the acquittal of accused individuals in a vast majority of instances. According to Rule 4 (8) of the POCSO Rules, 2020, the Child Welfare Committee may provide a support person to assist the child during the investigation process and in dealing with the trauma of the case, but it is commonly seen that a support person is not provided to the victim, resulting in acquittal of most of the cases registered under this Act and psychological and mental pressure on the victim and her family throughout the entire investigation and judicial process. According to the Supreme Court of India, 'support people' were given to victims in just 4% of the cases registered under the POCSO Act, 2012. The 'support people' should be supplied to the victims in order to reduce the frequency of

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acquittals under this Act, since they stand by the victims throughout the judicial process.

- Section 33 (8) allows for victim restitution. The Act is silent on the amount of compensation to be granted to the victim kid and who would receive the money on the child's behalf. The Act is prejudiced in favour of the victim and breaches natural justice principles by failing to act in line with justice, equity, and good conscience.
- Under the POCSO Act, naked contact is deemed sexual penetration. For example, if a parent pats his kid on the back, cheek, or head to express love or to bless him, he may be imprisoned. The law intended to have a deterrent effect by preserving the provisions of heavy punishments and penalties against accused individuals, but in fact, most cases end in acquittal, resulting in a failure to provide redress and justice to the victims.
- It is not specified in the Act how public workers or officers in positions of authority would be prosecuted if they conduct an aggravated assault against a young victim under this Act.
- The Act does not specify who is accountable for ensuring and reporting on whether POCSO cases were investigated in accordance with the terms of the POCSO Act.
- According to Section 29 of the POCSO Act, 2012, the Special Court must infer that the accused people committed or tried to commit the crime until the opposite is shown, if they are prosecuted for committing, abetting, or trying to commit the offence. While wealthy accused individuals may afford to hire skilled lawyers to defend them in court, a poor man would be unable to avoid the restrictions of the POCSO Act if he is implicated owing to his inability to afford a decent lawyer.
- According to section 35 of the POCSO Act, 2012, the evidence of the victim child shall be recorded within 30 days of the Special Court taking cognizance of the offence, and the Special Court shall complete the trial within a period of one year from the date of taking cognizance of the offence, but the number of pending cases under the POCSO Act continues to accumulate despite this provision, the Act makes no mention of compensating the accused if he is wrongfully charged.

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# CHAPTER III

## CHAPTER III

### LEGISLATIONS AND LAWS RELATED TO CHILD SEXUAL ABUSE

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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 liberty<sup>1</sup> 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.

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<sup>1</sup> 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 malnutrition<sup>2</sup>.

### **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**

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**without interference from others.**

<sup>2</sup> 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 (86<sup>th</sup> 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"<sup>3</sup> 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

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<sup>3</sup> 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 been 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**

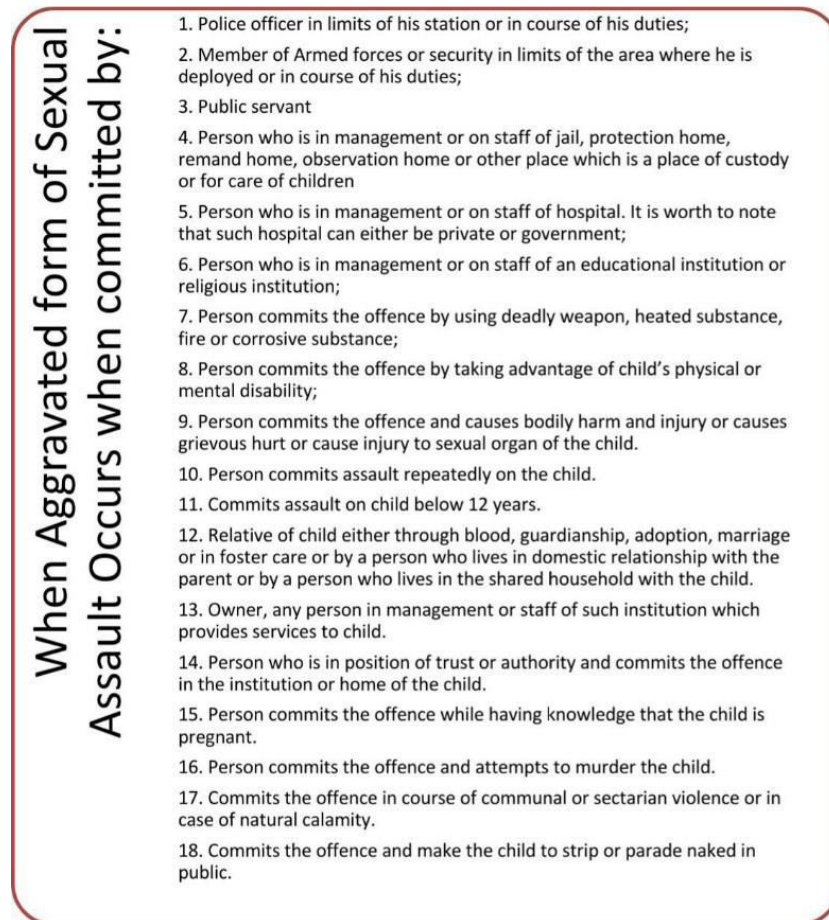
**Section 3** defines Penetrative Sexual Assault, and **Section 4** describes its penalty. Persons commit penetrative sexual assault if: ***when Penetrative Sexual Assault occurs.***

- 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 pornography<sup>4</sup>. 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**

<sup>4</sup> 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.

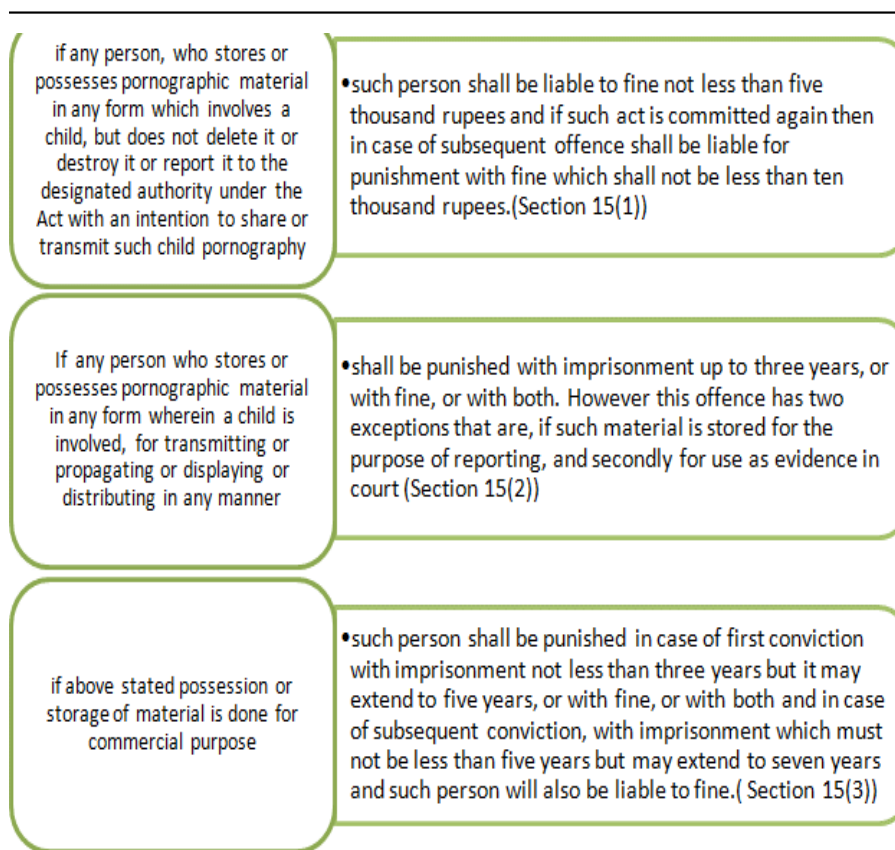
Under Section 14 of the POCSO Act, any individual found storing pornographic material involving children is liable to face rigorous imprisonment for up to three years and a fine.

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



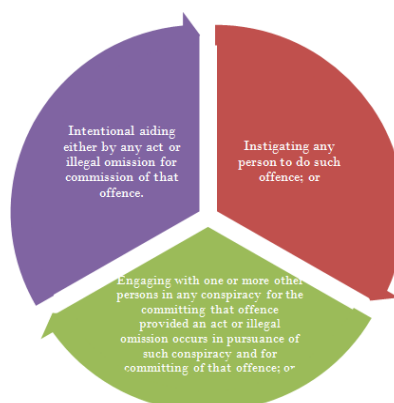
exposure to harmful content, including child pornography.



**Figure 8:**

### 15 Abetment and Attempt of offences

Chapter 4 covers abetment<sup>5</sup> 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.



<sup>5</sup> 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.

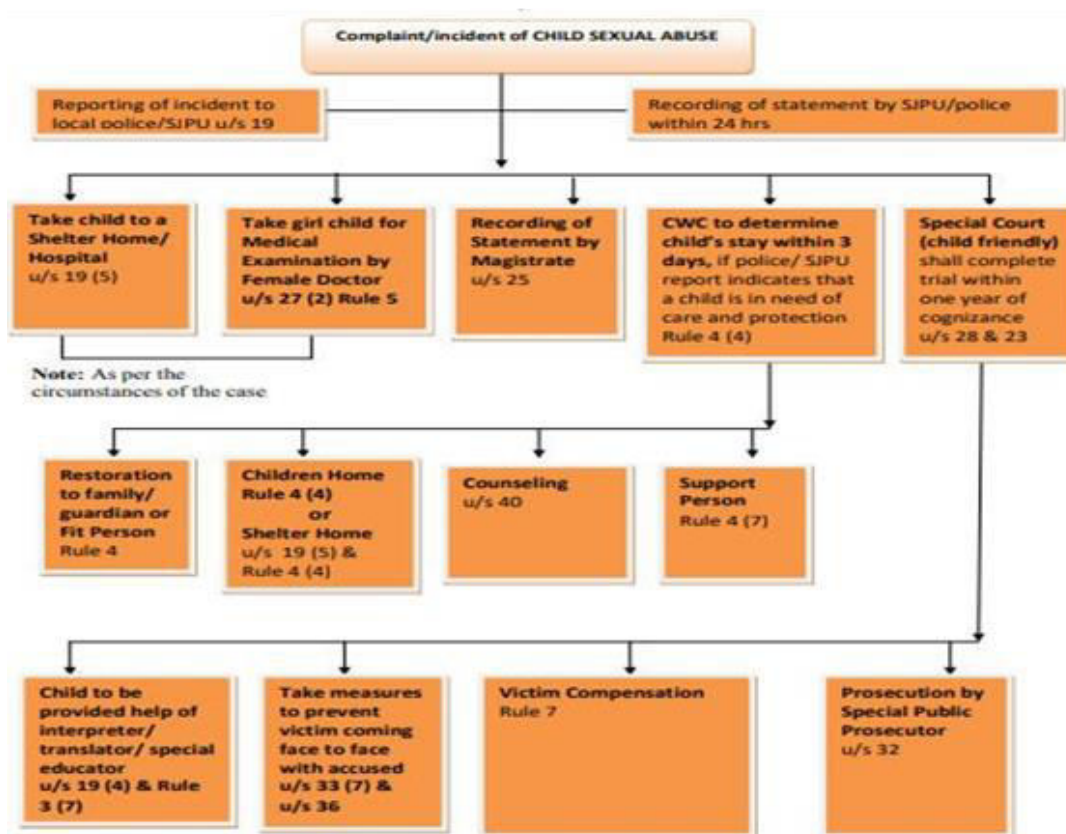
**Section 20** of the POCSO Act, 2012 requires media, studio, and photography facility staff to report any content or material that sexually exploits a minor to SJPU or the local police.

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>
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### **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><b>As reported by National Crime Records Bureau (NCRB)</b></p>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b>As reported by National Commission for Protection of Child Rights (NCPCR)</b></p>	<ul style="list-style-type: none"> <li>information of 420 cases of child sexual abuse has been received by NCPCR from 1<sup>st</sup> March, 2020 till 31<sup>st</sup> August, 2020 via online portals, helplines and other media.</li> </ul>
<p><b>As reported by Childline India Foundation (CIF)</b></p>	<ul style="list-style-type: none"> <li>3941 calls have been received by CIF regarding child sexual cases from 1<sup>st</sup> March, 2020 to 15<sup>th</sup> September,2020</li> </ul>

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.

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- 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)



# CHAPTER IV

## **CHAPTER IV**

### **ROLE OF FAMILY- FACTORS IN CHILD ABUSE: REFLECTING THE PERSONALITY OF CHILDREN**

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An individual's development is influenced by both their inherent capabilities and the skills and knowledge acquired from their environment. The individual's surroundings may be categorized into two distinct elements: the physical environment and the social environment. This research has placed significant emphasis on the dynamic interplay between an individual and their surrounding environment. The reciprocal relationship between individuals and their environment results in mutual impact and subsequent modifications throughout the process of interaction.

The fundamental basis of personality development may be traced back to the family unit, which serves as a primary social structure. In its nuclear form, this unit consists of a heterosexual couple and their legally acknowledged offspring. The family has traditionally been seen as the primary educational institution for a kid, with the parent assuming the role of the first educator. This arrangement affords many opportunities for the child's development in alignment with societal expectations and standards. Given the near-exclusive interaction between the family and the infant, the family assumes a substantial role in shaping the behavioral patterns that the child will manifest.

The acquisition of personality is largely influenced by the home environment. The objective of socialization, a developmental process, is to impart moral norms, ethics, and societal behavioral patterns to individuals.

This aspect is prominently emphasized throughout the first stages of education, mostly provided by parents. Parents serve as both the providers of social security and the fulfillers of a kid's socio-genic

requirements.

Consequently, they assume the roles of authoritative figures who are capable of displaying love and enforcing discipline. The child, in turn, identifies with these parental figures. However, it is important to note that parents are also seen as those responsible for enforcing laws and regulations, which might potentially impede a child's pursuit of self-centered gratification.

The development of children's personality is influenced by several socioeconomic variables. Child abuse is a problem that receives extensive media coverage in a range of formats, including news, features, documentaries, and dramas, on an almost daily basis.

The occurrence of abuse often originates inside the domestic setting and manifests in many manifestations, including physical, sexual, psychological, and neglectful forms. India is a geographically extensive nation.

The population of the country reached the milestone of one billion on May 11, 2000. According to current research, the prevalence of child abuse is estimated to affect a population of over 375 million children.

Child abuse is a phenomenon that arises within the intricate interplay of familial, societal, and individual elements.

The repercussions of any kind of adversity experienced throughout infancy have long-lasting effects on an individual, persisting into adulthood.

#### **4.1 Model for understanding child Abuse Family Stresses**

Child abuse is a pervasive issue that has gained recognition as a worldwide phenomena, transcending national boundaries. Indeed, it is a prevalent global societal phenomenon. This phenomenon is seen in several contexts, however it is most often observed within the familial domain.

Children have historically and continue to be seen as the possessions of their parents in several cultures. The act of disciplining children has been an integral aspect of human civilization. The

persistence of infanticide, ritual mutilation, physical violence, sexual exploitation, enslavement, and abandonment in contemporary culture is evident to varied extents.

The recognition of child abuse as a significant societal issue is vital in safeguarding the rights of children. From a preventative standpoint, the family has significant importance since a substantial portion of a child's first learning and development occurs inside the familial environment.

It is important to acknowledge the crucial role that parents play in the developmental progress of their children. Nevertheless, it is important to acknowledge that instances of parental abuse against their children do occur.

It is often the case that such behavior is not deliberate, but rather stems from a lack of knowledge and misguided beliefs that dictate that children should be subjected to punishment in the absence of proper discipline.

## **4.2 Forms of Child Abuse and Neglect**

There exists a global variance in the forms of child abuse and neglect. Certain elements are ubiquitous and often seen throughout several nations. Below, we provide an explanation of the aforementioned forms.

### **4.2.1 Physical Abuse and Neglect**

Physical abuse may be specifically delineated as deliberate harm inflicted upon a child by a caregiver, leading to manifestations such as bruises, abrasions, lacerations, scars, burns, fractures, and similar ailments. Physical abuse encompasses a range of unwelcome physical actions directed against a child, including but not limited to acts such as pushing, shoving, hurling things, striking or assaulting, choking, burning, using a weapon, or restricting the kid's freedom of movement. Physical neglect encompasses any intentional harm inflicted upon a child by their caregiver, excluding incidental injuries. Physical abuse may occur when a kid is subjected to excessive corporal punishment that is deemed unsuitable for their age or physical well-being. It also encompasses the provision of fundamental necessities for a kid, including sustenance, attire, housing, healthcare, and oversight.

### **4.2.2 Emotional Abuse and Neglect**

Emotional abuse refers to a persistent pattern of behaviors shown by a caregiver that detrimentally impacts the child's psychological and emotional well-being, hindering the development of a stable and positive personality. Emotional abuse refers to parental behaviors that result in psychological injury rather than physical harm to the kid. In order to comprehensively assess the impact of parental behavior on a kid, it is essential to ascertain both the precise actions shown by the parent and the subsequent tangible injury or emotional disruption experienced by the child.

Emotional neglect refers to the persistent inability of a caregiver to adequately offer a kid with the essential support and love required for the development of a stable and well-adjusted personality. Emotional neglect is characterized by a deliberate lack of nurturing verbal and behavioral acts on the part of a parent, which are essential for the emotional and healthy development of a child.

### **4.2.3 Non Organic Failure to Thrive (NOFTT)**

Non-organic failure to thrive (NOFTT) often manifests when a kid, typically a newborn, has insufficient caloric intake. The mother's potential neglect of adequate feeding may be attributed to her engagement with external demands and responsibilities, as well as her lack of knowledge about acceptable feeding practices. Additionally, drug abuse or a lack of affection towards the infant may contribute to this neglect.

The phenomenon known as failure to thrive is characterized by a newborn or child's inability to attain the anticipated growth standards, as determined via the evaluation of weight and height measurements. The youngster may also have limitations in several aspects of their developmental potential. It may also be characterized as the inability to reach the typical growth potential, which is often associated with inadequate caloric intake and under nutrition. This phenomenon may arise due to inadequate nutrition or the use of atypical diets, such as a vegan diet, by infants or children. Adults may thrive on a rigid vegetarian diet, however infants and young children may not possess the same capacity to thrive under such dietary restrictions.

### **4. 2.4 Psychological Abuse and Neglect**

Psychological abuse and neglect include several forms of maltreatment, such as engaging in behaviors that undermine a kid's motivation, behavior, and emotional well-being, ultimately resulting in adverse psychological outcomes for the child.

#### **4.2.5 Educational Abuse and Neglect**

Instances of educational abuse and neglect manifest when parents use coercive measures to prevent their children from attending school, resulting in persistent absenteeism and failure to address certain educational requirements.

Educational neglect refers to the inability of parents or caretakers to ensure that a child is enrolled in and regularly attends school or an appropriate alternative educational environment. Educational neglect is seen as a multifaceted issue with interactive dimensions.

Multiple studies have consistently shown that newborns and early children are often subjected to abuse and neglect. However, as these children grow older, it has been seen that individuals below the age of eighteen continue to experience maltreatment at the hands of their parents and caregivers.

#### **4.2.6 Causes of Child Abuse and Neglect**

In contemporary discourse, the term "child abuse and neglect" encompasses a diverse spectrum of behaviors. These behaviors include physical injury, emotional abuse, neglect, sexual mistreatment, and medical or educational neglect. A spectrum of maltreatment exists, ranging from mild to severe, including both persistent issues and sporadic or isolated occurrences. In this discourse, we explore the underlying factors contributing to instances of child abuse and neglect.

1. Factors pertaining to the individual's parents
2. Factors Related to the Family
- 3 Environmental factors refer to the external conditions and influences that impact the natural world. These factors might include physical elements such as climate, geography, and natural resources.

#### **4.2.7 Individual - Parent Factors**

Parents who engage in abusive and negligent behaviors do not align

with a specific mental diagnostic group, and often exhibit similarities to the general population. Nevertheless, there are some personality traits that are often seen in parents that engage in maltreatment. Moreover, there are specific instances of abuse or neglect in which parents are afflicted with mental illness. Ultimately, there exist several parenting issues that significantly contribute to instances of abuse and neglect.

#### **4.2.8 Common Personality Characteristics**

Parents who engage in maltreatment often suffer a significant decrease in their self-esteem. Individuals may see themselves as lacking value, being unable, or having negative qualities as individuals. Certain parents who exhibit neglectful behavior not only ignore their children, but also fail to prioritize their own well-being. Consequently, these recurring behaviors serve as constant reminders of their perceived lack of value as individuals. When parents engage in abusive behavior towards their children, it is often driven by a desire to exert control and thereby bolster their own sense of well-being. However, this mistreatment also has a detrimental impact as it reinforces their negative self-perceptions of being inherently flawed and without value.

Excessive reliance is identified as another prevalent trait among parents who engage in maltreatment. Parents have significant challenges when faced with the very demanding responsibility of raising children. Parents may have the expectation of receiving care and nurturing from their offspring. Parents prioritize meeting their personal wants while raising their children, sometimes relegating the care of the kid to a secondary position. Consequently, parental neglect may occur when parents are unable to effectively respond to their children's normal or sometimes excessive dependence needs, resulting in parents reacting negatively towards their children.

Certain deficiencies in superego functioning may be seen in certain parents who engage in abusive and negligent behaviors. Individuals may have impulsive tendencies. It is a common phenomenon for individuals to encounter angry and sexual emotions towards those with whom they have intimate relationships. Nevertheless, parents who act on these emotions tend to be impulsive. They have a deficiency in their ability to



regulate or manage their urges and requirements. Consequently, their heightened emotional state may result in a direct act of physical aggression against the kid, or conversely, their impulsive tendencies may hinder their ability to acknowledge and address the child's needs.

Parents that engage in abusive behavior may also have inflexible superego structures. Occasionally, certain parents exert stringent control over their own aggressive and sexual emotions. Parents who possess a strict superego have inflexible beliefs on the appropriate manner in which things should unfold, rendering them incapable of tolerating instances of kid misbehavior or any kind of child interference that contradicts their own desires. As a result, in such instances, parents proceed to administer disciplinary measures or engage in aggressive behavior towards their offspring. Other parents have a distinct challenge, namely a lack of moral awareness, especially when it comes to the mistreatment of their children. The individuals in question exhibit a deficiency in demonstrating a suitable degree of empathy for the kid, while also engaging in a process of justifying abusive actions.

#### **4.2.9 Psychopathy**

It is of utmost significance to distinguish the aforementioned parents from those who have psychopathic tendencies. The aforementioned individuals represent a minority of parents that engage in abusive behavior, although children who have such parents are not seen to be at significant danger.

Parents with psychopathic traits have not had the opportunity to receive nurturing and consistent parenting throughout their formative years, which has hindered their ability to effectively address the deficiencies in their own lives. Consequently, individuals do not establish affectionate bonds, but rather cultivate connections based on exploitation. Individuals who have not had the opportunity to get early nurturing experiences may exhibit significant distortions in their super ego. Individuals who have caused damage to a kid often exhibit a lack of genuine sorrow for their actions towards the youngster. The differential diagnosis of genuine psychopathy poses challenges due to the frequent confusion with other underlying causes, as well as the fact that psychopathy constitutes an extreme end of a

continuum within the realm of personality disorders. Parents that engage in maltreatment behavior are more often associated with some psychopathic features rather than actual psychopathy. Psychiatric and/or psychological assessments are often required in order to arrive at a conclusive decision. Working with individuals who exhibit true psychopathic traits poses significant challenges and offers little possibilities for creating a supportive and safe environment for their children.

#### 4.2.10 Depression

Depression<sup>1</sup> is perhaps the most often seen individual element contributing to neglect. Parents who experience depression often exhibit persistent sadness, less emotional expressiveness, few displays of joy, verbalize feelings of being overwhelmed, and may have signs of impaired coping abilities. In instances of heightened severity, individuals may choose to remain bedridden during the day, abstain from consuming meals entirely, or exhibit little concern towards their child's conduct or physical presentation. Distinguishing between parents exhibiting chronic depressed personalities and those experiencing situational depressions and cycle depressive syndromes has significant importance. Distinguishing between the two may be facilitated by considering both the individual's historical functioning and their awareness of current life events.

One should be vigilant for many forms of situational depression, including postpartum depression, as well as depression triggered by the loss of a loved one, the removal of children, or instances of desertion or separation. Situational depressions may be effectively addressed by interventions such as modifying the underlying conditions that contribute to the depression, engaging in short-term therapeutic interventions, accessing community support systems, and considering the use of antidepressant medication. Moreover, medicine is likely to be effective in treating manic-depressive syndrome and severe cycle depressions.

Parents who experience depression may exhibit persistent irritability and display harsh behavior towards their children. Furthermore, it is postulated that melancholy may stem from suppressed rage, leading

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<sup>1</sup> Depressive disorder (also known as depression) is a **common mental disorder**. It involves a depressed mood or loss of pleasure or interest in activities for long periods of time.

individuals to sometimes exhibit aggressive behavior and engage in child abuse.

#### **4.2.11 Psychosis**

The prevalence of psychosis among parents who engage in child abuse and/or neglect is estimated to be around 5 percent. Nevertheless, this circumstance has the potential to be very perilous for the infant. When a kid is seen as being integrated into the parent's delusional framework, such as being believed to be possessed by malevolent forces or being a potential threat to the parent, there is a significant likelihood of abuse occurring. Neglect may arise when a parent becomes entirely preoccupied with their own internal psychological realm and delusional framework, so rendering them oblivious to the child's existence or need.

#### **4.2.12 Mental Retardation**

While individuals with intellectual disabilities may demonstrate loving and caring qualities as parents, they often have challenges in acquiring the necessary skills and knowledge to effectively raise children. Consequently, individuals with restrictions may exhibit abusive or negligent parenting behaviors. In order to determine an individual's capacity to provide care for children, it is often imperative to conduct a psychological assessment. In cases when children have a parent with intellectual disabilities, the provision of actual assistance and the instruction of parenting skills have shown to be very beneficial in ensuring the well-being of these children. However, it is essential that parents demonstrate a willingness to receive assistance and understand their limitations. The provision of ongoing supportive services may be deemed necessary for an extended period of time, since it is often seen as a more favorable option compared to the dissolution of a familial unit characterized by a robust parent-child relationship.

#### **4.2.13 Substance Abuse**

Parents who exhibit drug addiction or alcoholism are at a significantly elevated risk for engaging in abusive or neglectful behaviors towards their children. Occasionally, instances of abuse may be attributed to diminished impulse control stemming from substance use, notably alcohol, and may manifest as a manifestation of deep-seated rage. Neglect is a frequent

occurrence among individuals who take drugs and subsequently experience immobilization, semi consciousness, or loss of consciousness, rendering them incapable of carrying out routine activities while under the influence. In all scenarios, there are fundamental aspects contributing to drug addiction, sometimes accompanied by other elements beyond substance abuse that contribute to child abuse or neglect. Nevertheless, prior to assuming responsibility for addressing other challenges, it is imperative for the parent to confront the issue of drug misuse. The implementation of substance abuse treatment programs is a very effective approach for tackling addiction.

#### **4.2.14 Parent's Childrearing Experience**

Numerous instances exist when parents who engage in abusive and negligent behaviors towards their children adopt unsuitable childrearing techniques as a result of their own experiences throughout their formative years. When assessing parents, one challenge is to examine cases of early deprivation and ascertain indications of abusive or negligent upbringing. Some examples of deprivation indicators include parental mortality at an early age, frequent or early changes in placement, persistent parental drunkenness or mental illness, and parental rejection. When evaluating the potential history of abuse or neglect experienced by parents throughout their childhood, it is necessary to inquire about the disciplinary methods and child-rearing practices applied by their own parents. This line of questioning is directed at parents who are suspected of engaging in abusive or neglectful behavior towards their own children.

When parental lack of knowledge is a significant factor, parents will exhibit a responsive attitude towards supportive pedagogy. While classroom parent education may be beneficial in some cases, other approaches such as small group experiential learning or one-to-one non-threatening modeling and practice are typically more suitable. These services may be offered by professionals, however there has been a new recognition of the effectiveness of using paraprofessionals and volunteers who come from socio-economic backgrounds comparable to the parents. These individuals are able to help parents in enhancing their abilities.

Parents who exhibit a primary issue of ignorance may be differentiated from those whose personality traits significantly influence their ability to effectively engage with supporting teaching. In cases where the parent's personality is the primary concern, it is important to note that supportive teaching alone may not be sufficient and should be considered as a supplementary approach to treatment.

#### **4.2.15 Social Isolation**

Researchers and practitioners in the field of clinical psychology have observed that a significant number of families characterized by abusive and neglectful behaviors exhibit a notable disconnection from their social surroundings. A significant portion of the population lacks access to telecommunication devices and means of transportation. They actively avoid engaging with their neighbors and abstain from participating in communal events. In addition, individuals exhibit resistance towards the interventions and support provided by professional helpers and organizations.

The hypothesis posits that the lack of social connections among individuals results in a lack of continuous reciprocal relationships with friends, neighbors, and relatives, so depriving them of the support necessary to alleviate the daily responsibilities associated with raising children. Furthermore, individuals in this situation lack companions with whom they may confide their concerns and troubles, thus leading to an amplification of their anxieties. During times of crisis, individuals may find themselves devoid of reliable sources of support, hence increasing the likelihood of experiencing instances of abuse and neglect. The clinical results have been used by researchers to investigate them in the context of control groups consisting of families that do not engage in maltreatment.

#### **4.2.16 Family Factors**

Child abuse and neglect are phenomena that take place inside the familial setting. Hence, it may be inferred that family dynamics have a significant influence on the outcomes that transpire. Certain aspects, such as child factors, have been thoroughly investigated by scholars in this field.

#### **4.2.17 Parental Collusion in Maltreatment**

In instances of abuse or neglect within two-parent households, both parents have a significant part in the dynamics of the maltreatment. Research

findings are inconsistent, although indicate that either the father or the mother is more likely to engage in mistreatment, whereas both parents are less commonly engaged in such

behaviors. Nevertheless, the passive parent often plays a crucial role in facilitating the mistreatment carried out by the active parent.

#### **4.2.18 Scapegoating**

Children may also get entangled in parental and familial disputes, so becoming the primary recipients of rage and hostility. In instances of marital discord, it is common for the kid to get entangled in the disagreement, resulting in a blurring of typical generational boundaries. Consequently, the conflict between the married partners is transferred onto the offspring in the form of mistreatment and disregard.

It is been seen that the kid who is made a scapegoat is often labeled as morally deficient when compared to the child who is considered virtuous within the family unit. In some instances, the “good child,” driven by apprehension of mistreatment, actively participates in facilitating the parent’s perception of the scapegoated child as being morally flawed. Family therapy is often considered the preferred remedy in such circumstances.

#### **4.2.19 Stepparents and Reorganized Families**

Existing research and clinical evidence indicate that individuals who assume the role of stepparents or live-in partners, but are not biologically related to the children, have a higher propensity for engaging in maltreatment towards these children compared to biological parents. The aforementioned results may be seen rational when viewed through the lens of common sense, since stepparents often exhibit lower levels of attachment towards their stepchildren in comparison to biological parents. It is common for children to experience feelings of anger towards a new spouse, as well as jealousy and competitiveness among all individuals engaged in the situation.

#### **4.2.20 The Extended Family**

The interplay between an extended family and a nuclear family significantly influences the overall functioning of the family unit. Throughout history, the extended family has played a crucial role in providing emotional support,

imparting knowledge on childrearing practices, and offering economic assistance during times of adversity. Issues develop when these connections are defective or nonexistent. In instances when abuse and neglect are prevalent within families, it is often seen that a pattern of dysfunctional parent-child contact has been inherited from preceding generations.

In families characterized by negligent parenting, there is an elevated probability of extended family members being missing, either in terms of physical presence or emotional support. This absence further exacerbates the feelings of loneliness and isolation experienced by the parent. Consequently, the absence of extended family support exacerbates the family's stress levels and fails to alleviate the day-to-day responsibilities of parenting via consistent assistance. The study findings indicate that there is no significant correlation between black families and child maltreatment, despite the higher levels of stress experienced by these families compared to white families. This may be attributed to the support and reliance on extended family networks within the black community.

During the therapeutic intervention, efforts are made to engage with this social network in order to enhance their capacity to provide constructive assistance to the family unit, while minimizing their potential for disruption.

#### **4.2.21 Environmental Factors**

Previous studies have shown that families experiencing instances of child abuse and neglect have a higher prevalence of stressors and exhibit less capacity to effectively manage these challenges compared to families without such issues. Either one or all of these variables may contribute to the mistreatment of children within these homes. One effective method for classifying the kind of stress experienced by these families is as follows. Chronic stressors, situational stressors, and precipitating stressors are three distinct types of stresses that may impact individuals. Chronic stressors refer to ongoing stressors that persist over an extended period of time, such as long-term financial difficulties or chronic health conditions. Situational stressors, on the other hand.

#### **4.2.22 Chronic Stressors**

A chronic stressor refers to a persistent and enduring troublesome state that

necessitates the family's ability to manage and adapt. Individuals that engage in abusive and negligent behaviors may encounter various consequences as a result of their actions. This paper aims to examine a selection of chronic stressors that are often seen, in order to elucidate their effects on the family unit.

#### **4.2.23 Being a Parent**

The role of parenthood is often associated with chronic stress, particularly for those who engage in maltreatment of their children. Some individuals may lack the necessary preparedness, knowledge, or maturity to effectively handle newborns who are reliant on others for their needs and are unable to communicate verbally.

Moreover, the issue of parenting sometimes becomes more challenging for those who have several small children in close proximity in terms of age. As previously said, when youngsters encounter certain challenges such as preterm, colic, physical abnormalities, cognitive impairments, or hyperactivity, the circumstances become notably more arduous for their parents. Likewise, the experience of being a single parent gives rise to a state of persistent stress.

#### **4.2.24 Chronic Illness**

Experiencing the presence of a family member who suffers from a persistent physical or mental illness, or having a parent who engages in drug misuse, represents an additional kind of enduring stress. The continuous concern and additional attention demanded by this individual may deplete the financial and emotional reserves of the family. Moreover, the one who is experiencing illness, especially if they are a parent, is unable to fulfill their designated familial obligations, necessitating others to assume these tasks. Once again, the persistent stress experienced may generate a state of tension that may manifest in either the mistreatment of children or the inability to adequately address their physical and emotional requirements

#### **4.2.25 Poverty**

Poverty is a prevalent factor contributing to the development of chronic stress, which in turn may increase the likelihood of abuse or neglect. Sociologists who have examined the demographic attributes of families in connection to instances of abuse and neglect have seen a significant



association between those who are characterized as abusive or neglectful parents and those who experience poverty.

Moreover, the analysis reveals a significant prevalence of ailments often linked to impoverished circumstances, including substandard housing, recurrent displacement, insufficient access to nourishment, inadequate clothes, frequent illnesses, limited healthcare and dental services, unemployment and underemployment, as well as inadequate educational opportunities. These issues result in a heightened state of familial tension, which has the potential to manifest as instances of child abuse. Furthermore, it is plausible that poverty, rather than parental negligence, may be the underlying factor contributing to the inability of parents to adequately provide dietary and physical care for their children. In some instances, the parent may find themselves incapacitated by their circumstances, rendering them unable to fulfill their parental responsibilities towards their kid.

#### **4.2.26 Situational Stressors**

Situational stressors refer to recent alterations in the social conditions of a family. Numerous stresses in various situations are related to economic factors. The termination of parental employment might elicit significant stress and give rise to a state of crisis. This situation becomes more problematic when the spouse experiences job loss, since the legal recognition of male gender is contingent upon employment status. Consequently, the loss of job results in a decline in self-esteem, subsequently leading to increased levels of stress. Moreover, there has been a noticeable increase in the husband's involvement with the children, resulting in a heightened vulnerability to potential abuse during periods of his unemployment. Similarly, a transition in employment may induce stress, even if it is a positive one. The individual who earns a pay must have the ability to adapt to unfamiliar routines within a novel occupational environment.

The act of a woman engaging in employment might potentially introduce several sources of stress within the family unit. Abruptly, she finds herself occupied with dual roles as an employment and a homemaker, often shouldering the burden of household duties with little aid. Furthermore, the act of her attending work has the potential to negatively impact her

husband's sense of self-worth. It might perhaps indicate to the individual his inability to meet his economic responsibilities. This assertion holds especially true in cases when the husband's unemployment serves as a catalyst for the wife's decision to enter the workforce. In such a scenario, the heightened state of stress may prompt either parent to engage in physical aggression against the children. Furthermore, the increase in the wife's employment to two positions instead of one may potentially result in her inability to fulfill her obligations in childrearing.

Various economic issues may contribute to heightened levels of stress within a family that is burdened by debt. For instance, the need to purchase a new automobile or appliance, as well as the presence of medical expenses, can provide significant challenges for the family's ability to effectively manage these financial obligations. The act of relocating or purchasing a residential property is likewise prone to exacerbating familial discord.

Situational stresses may arise from changes in the makeup of a family unit. Occurrences such as the arrival of a newborn, whether desired or undesired, the integration of relatives into the household, or the passing of a family member may provide challenges for the family in terms of their ability to cope and navigate through these circumstances. Instances of abuse have been seen by clinicians in circumstances involving the presence or imminent arrival of in-laws.

Moreover, the act of desertion, separation, or divorce might potentially serve as a significant contributing cause to instances of child abuse. Marital divorce entails the primary child care obligation being assumed by the spouse who has been granted custody of the children. The phenomenon of role overload, along with the resultant strain, might potentially contribute to instances of abuse and neglect.

#### **4.2.27 Precipitating Stressors**

Precipitating stresses refer to certain events or circumstances that serve as catalysts for the occurrence of maltreatment. A significant part of stresses that trigger a response are those that parents perceive or anticipate for their children. It is possible for someone to ascribe qualities such as

malice, stubbornness, or belligerence to a newborn. The potential occurrence of misbehavior may lead to the imposition of disciplinary measures that may have significant and enduring consequences due to the vulnerable nature of the infant.

On the other hand, parents may engage in emotional and physical neglect of infants due to their concern that excessive attention and care may lead to the development of spoiled behavior. Moreover, the occurrence of problematic behavior, such as prolonged weeping, excessive activity, bad feeding habits, or lack of cooperation in toilet training, has the potential to contribute to the onset of abuse and neglect.

Maltreatment may be triggered by incidents that are not directly connected to children's behavior. The potential involvement of the malfunctioning of household appliances such as the family vehicle, stove, refrigerator, washing machine, or television may be significant. Similarly, engaging in a conflict with a spouse or another member of the home might potentially lead to instances of abuse and neglect.

### **4.3 Some Important Personality Determinants**

Certain factors contribute significantly to the formation of an individual's personality, exerting their most profound influence on the central aspect of the personality structure, namely the self-concept, as well as certain features associated with it.

#### **4.3.1 Early Experiences**

Freud was the first to emphasize the significance of early events in shaping personality development, since he saw that a considerable number of his adult patients had encountered distressing childhood traumas.

Research on the impacts of early experiences has shown that these encounters, together with their associated memories, possess significant influence due to their enduring impact on a child's self-concept, despite their potential vagueness.

#### **4.3.2 Cultural Influences**

It has been said that the removal of children from their cultural context does not always result in the eradication of their cultural identity. In any cultural context, individuals are often subjected to societal pressures to cultivate a personality type that aligns with the established norms and

expectations of their own cultures. The cultural group to which children's parents belong serves as the basis for the accepted personality model. By means of both home and school-based programming, it is anticipated that children would internalize this pattern as a paradigm for shaping their own personalities.

#### **4.3.3 Physique**

The physical attributes of an individual, particularly in the case of boys, have a direct and indirect impact on their personality. The act of direct determination establishes the parameters of permissible actions and restrictions for children. Indirectly influences the body image perception of youngsters. This phenomenon is, in turn, driven by the perceived level of importance that individuals in their social circles attribute to them.

#### **4.3.4 Attractiveness**

At all stages of life, societal views tend to be more favorable towards those who are seen as "attractive" compared to those who are perceived as unattractive or explicitly described as ugly. These judgments may be based on physical attributes, physique, fashionable attire, or attire that aligns with their own style. Moreover, there is an assumption that those who possess attractiveness exhibit more desirable personality traits compared to those who lack attractiveness. This phenomenon serves to strengthen positive societal sentiments towards them.

#### **4.3.5 Intelligence**

Parents and educators often have excessively high expectations for exceptionally gifted youngsters. When youngsters internalize these societal expectations, they experience feelings of inadequacy when they fail to meet them. Consequently, many intellectually gifted youngsters have negative self-perceptions.

#### **4.3.6 Emotions**

The impact of children's emotions on their self-concepts is heavily contingent upon the manner in which these emotions influence the evaluations and assessments made by others. The phenomenon described may be seen as an indirect influence of emotions on an individual's personality. The direct influence, while often less apparent than the indirect effect, is of significant magnitude and cannot be overlooked.

When emotions reach a level of intensity that results in chaotic behavior, they might have a negative impact on the typical pattern of adjustment in children.

#### **4.3.7 Success and Failure**

The self-concept is significantly impacted by one's achievements or lack thereof. While these individuals may be seen as "successful" by others, they personally view themselves as "failures." This implies that an individual who is deemed successful from an objective standpoint may nevertheless be seen as a failure from a subjective one. This discrepancy arises from the individual's accomplishments meeting the anticipated standards of external observers, but failing to meet the individual's own aspirations.

#### **4.3.8 School Influences**

The educational institution has a significant impact on the child's evolving personality, including both the development of qualities and the construction of the self-concept. Due to the significant impact that instructors have on the development of individuals' personalities, the importance of teachers' personalities surpasses that of their knowledge or teaching abilities.

#### **4.3.9 Family Influences**

Among the several factors that contribute to the development of one's personality, the family has the utmost significance. There are several reasons why the family serves as the primary social group through which a child develops their sense of identity. Firstly, the child typically spends a greater amount of time with their family than with any other social group. This extended exposure to familial interactions occurs during the crucial formative years when the foundations of one's personality are being established. Furthermore, the influence exerted by the family unit encompasses a wider range of factors compared to any other determinant of personality, including the school environment. The impact of the family on the

formation of an individual's personality is contingent, to a certain degree, on the characteristics of the kid in question. A youngster with a predisposition towards nervousness and tension is likely to experience more distress in response to the increased attention directed towards a

newborn sibling within a household, compared to a child with a more phlegmatic temperament. In a like manner, the response of a robust youngster to excessive parental protectiveness and indulgence will vary from that of a fragile, infirm child

#### **4.3.10 Personality Maladjustments**

Children who exhibit inadequate personal and social adaptations are sometimes referred to as “maladjusted”. These individuals are sometimes referred to as problem children. Self-rejection is identified as a significant contributing factor to maladjustment. Children that possess a self-rejecting attitude have a strong aversion towards their own selves. Similar to how toddlers refuse to engage with others they detest as playmates or friends, they also reject their own selves when they see a misalignment between their current state and their desired self-image.

These two difficulties are often encountered and have significant implications for the process of self-acceptance. Personality maladjustments are mostly attributed to these factors, which are largely accountable for self-rejection. One common phenomenon seen in youngsters is their inclination to form ideal self-concepts that often surpass their actual abilities.

The second significant barrier to achieving self-acceptance arises from the discontent that arises when youngsters engage in self-comparisons with their peers, or when parents and educators unfavorably compare them to their siblings or classmates.

#### **4.3.11 Conclusion**

The role of family factors in child abuse is profound and multifaceted, significantly influencing the personality and development of children. This research, with a special reference to Indian law on child abuse in 2024, focuses on the districts of Southern Rajasthan, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur. Family dynamics, such as parental behavior, socioeconomic status, domestic violence, substance abuse, and emotional neglect, play a crucial role in either mitigating or exacerbating the risk of child abuse. In many cases, children subjected to abuse within their family environments develop deep-seated psychological issues, affecting their emotional stability, self-esteem, and interpersonal relationships. The impact of these adverse experiences often manifests in their

behavior, academic performance, and social interactions, leading to long-term consequences that can persist into adulthood.

In Southern Rajasthan, traditional and cultural factors also interplay with family dynamics, sometimes perpetuating abusive practices under the guise of discipline or control. The lack of awareness and education about children's rights and the legal protections available under the Protection of Children from Sexual Offenses (POCSO) Act, 2012, further complicates the issue. Families may either be unaware of the legal repercussions of child abuse or reluctant to report such cases due to societal stigma and fear of retribution.

The research aims to unravel how these family factors contribute to the prevalence of child abuse in the specified districts and how they reflect on the personality development of affected children. By examining case studies, legal records, and interviews with victims, their families, and legal professionals, the study provides a comprehensive analysis of the systemic issues within family structures that lead to abuse. It also evaluates the effectiveness of current legal frameworks in addressing these problems and supporting victims.

Moreover, the research explores the role of intervention programs, counseling, and community awareness initiatives in transforming abusive family environments and aiding in the recovery and rehabilitation of affected children. By highlighting the interconnectedness of family factors and child abuse, this study underscores the need for holistic approaches that involve legal measures, psychological support, and community engagement to protect children and foster their healthy development in Southern Rajasthan. The findings aim to inform policymakers, social workers, and educators about the critical areas for intervention and improvement, ensuring that the legal system effectively supports the most vulnerable members of society.

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# CHAPTER V

## CHAPTER V

### REVIEW OF LITERATURE

#### 5.1 Identified Research Gap

#### 5.2 Printed Publications

#### 5.3 Preventive measures:

#### 5.4 Mode of Existence:

#### 5.5 Recordings:

#### 5.6 Sexual Orientation:

#### 5.7 Perpetrator of Abuse

#### 5.8 The primary

##### 5.8.1 The suggestions were as follows:

#### 5.9 The Juvenile

#### 5.10 Lack of Research:

Any research cannot attain its Zenith in the absence of the survey of the existing literature on the topic under study. The study of the existing literature guides the researcher towards the future direction about the research process. It throws light on the grey area of the research topic. The researcher has therefore tried to make a review of the existing literature on the topic which includes the books, articles, reports, and journals.

#### **5.1 Identified Research Gap**

The examination of literature broadly portrays that response of the law enforcement agencies in collection of evidence during the investigation of child conflict cases in southern Rajasthan is not well documented. No study is found in public domain addressing impact analysis on fair investigation and speedy trial. The study of literature on sexual abuse of children further pointed out that various issues like a social response, age determination, consent for carnal relationship etc. are yet to be addressed from the viewpoint of epistemology. More importantly, there is a void in the public arena for studies on the analysis of courts judgments related to child particularly to understand various facets of the POCSO Act, 2012 from the standpoint of the judiciary. No study is available in the public sphere on the implementation of various provisions of the POCSO Act, 2012. Deliberations on false accusation and wrongful conviction are not being studied to correct unjust

convictions.

Inputs on socio-economic profiling of victims and accused persons, providing legal-aid to pauper accused, rural urban dichotomy occurrence, age profiling of victims and accused and their relationship, timeframe in reporting, nature of evidence collection including forensic inputs, timeline to conclude trial and appeals, the award of compensation to victim etc. are uncharted areas, which have been chosen as research problem.

This study broadly analyses the research problem based on the gaps and missing links identified during an examination of literature pertaining to justice delivery in the matters of sexual exploitation of minors in southern Rajasthan. Academic efforts will be made to find pragmatic answers using a theoretical framework. There are several other critical issues such as law and policies, the POCSO Act involved in dealing with the sexual exploitation of children, which have to be addressed

Also, it presents a comprehensive summary of prior studies conducted on the topics of knowledge exchange and intranets. This text outlines the framework for the case study, which is the primary focus of the research. A literature review is an essential component of any study. It aids the researcher in obtaining a thorough understanding of previous research conducted on a particular topic. It focuses on a certain topic and aids in discovering the gap in research. In addition, it also assists the researcher because the topic and subject of study are conceptualized and given a definite form. Within the given context, the current study involves a comprehensive examination of books, research papers, government reports, and other materials with a theme focus. Documents and media stories have been grouped based on the chronological year.

## **5.2 Printed Publications**

While examining all pertinent materials about the topic of child sexual abuse would be very challenging, an effort has been made to gather valuable data on the topic. Due to a lack of readily available statistics on child sexual abuse in India and the little information obtained from local sources, one's knowledge and understanding of the subject topic are severely lacking. The researcher has conducted a review of existing research on this specific issue, which is necessary to recognize the extensive prevalence of



sexual abuse in Rajasthan, India. The causes and repercussions of child sexual abuse, as well as the intervention options available to address it.

### **5.3 Preventive measures:**

Asha Bajpai (2019) of the National Crime Records Bureau (NCRB) released a book report in 2017. A total of 32,608 incidents were registered under the Protection of Children from Sexual Offences Act. Nevertheless, specialists argue that this is only the surface manifestation of a much larger issue. Although there is still a substantial amount of apprehension and alarm around child sexual abuse, there is a prevailing atmosphere of secrecy and reluctance to discuss the issue. Complicates the process of reporting. Parents, guardians, and instructors are eager to participate in endeavours to proactively combat CSA by educating youngsters about sexuality, their anatomy, and personal boundaries. In India, sexual and reproductive problems are approached only from a moral perspective from a health rights stand point rather than from a viewpoint of health rights. These attitudes expose youngsters to danger. Given the cultural taboo around sex, abusers specifically target youngsters whose parents they will refrain from taking any measures even if they discover the truth. There is a 90 percent probability of the abuser. The kid and the family may be aware of the individual's identity, but the family may not recognise the indicators of potential danger. Child sexual abuse is always the responsibility of adults, and children are never to blame for it. Preventing such abuse is crucial. The impetus for this book stems from the consequences of the savage the incident refers to the heinous act of gang rape and subsequent murder of Nirbhaya, which occurred on a bus in Delhi on December 16, 2012. Nevertheless, among Indian activists dedicated to addressing violence against women and girls, there has been a longstanding contention that violence is an undeniable aspect of every woman's life, regardless of their age. Socio-economic stratification and disparities in wealth. Global efforts to tackle it have somewhat reduced its impact but have not completely eradicated it. Did not successfully alter attitudes and actions to the necessary degree. Neo-liberalism has gone. Women are now experiencing heightened vulnerability, and those who advocate for them have not presented any effective solutions.

India serves as a clear cautionary example for nations now under pressure to transition towards the neoliberal economic model.

#### **5.4 Mode of Existence:**

Exercise caution about its potential outcomes and be prepared to address any aggression it may entail. The capacity of nations to address violence against women is hindered by the apparatuses of the system are fashioned by patriarchal underpinnings. (Deb, S. and A, Mukherjee). The effect on the victim is more severe, particularly in terms of harm to their reputation. Upon seeing the sexually explicit content if explicit or offensive information specifically aimed at the women in question becomes widely spread on the internet, it has the potential to become viral. Move between websites and devices without being limited by physical constraints. Jurisdiction refers to the legal authority or power of a court or other governmental body to hear and decide a case. The police may encounter significant challenges in providing assistance to the victim, particularly when it traverses across jurisdictions and remains accessible on various websites. Additionally, it could repeated exposure to the circumstance might cause severe trauma for the sufferer. Content reemerges after a certain interval. It is important to recognize that the law cannot repress. While having a healthy sexual appetite is important, it is crucial to recognize that harmful behaviours may indeed limit or impede sexual urges and manifestations. The rights of others. However, the truth is that websites related to sexual content, such as YouTube or WhatsApp, are overwhelmed with explicit content, revenge pornography, child pornography, and instances of real-life sexual assault.

#### **5.5 Recordings:**

The first instance of adolescent retribution in the realm of cyberspace was first documented in India. In 2001, a 16-year-old student from Delhi developed a pornographic website and uploaded explicit photographs of females. He made explicit and offensive comments about his peers and professors, publicly sharing explicit information about them.

#### **5.6 Sexual Orientation:**

Sexual abuse in India is a prevalent issue, with gender prejudice being a significant factor. Adolescent females aged 11-18 are predominantly affected,

often unable to seek help from their families. Lack of literacy among parents contributes to a rise in girls dropping out of school. Adolescent females are often enticed by material possessions and deceitful promises, making them vulnerable targets for exploitation and mistreatment. The research highlights the poverty and inability of families to meet the needs of their female offspring, making them victims of sexual abuse.

Perpetrators of violence against female minors include paternal, fraternal, and ancestral figures, as well as immediate family members and regular guests. The research indicates a lack of disclosure due to the victim and her family, leading to complications such as challenges in following the victim's marriage, social ostracization, and stigmatization.

Further research is required to determine the nature, scope, and frequency of child sexual abuse incidents, which is crucial in developing effective methods to address the issue. Also, raising public awareness about the occurrence of female child sex abuse is essential to addressing the issue of human trafficking involving women and children. The study examines data obtained from interviews to obtain insights into the characteristics of the victims, the process of trafficking, and the characteristics of the perpetrators. The primary determinants contributing to trafficking include forces, enticement, and deception.

Sexual assault is categorized into two distinct classifications: severe forms of sexual abuse, such as rape, sodomy, and non-consensual kissing, and milder forms like approaching a youngster while traveling and making sexual gestures towards a child during marriage. Society is undergoing a transformation in its views about morality and sexuality, with the main areas of concern being the exploitation of children and women, their social ramifications, and the economic effect.

- **Societal issues** - poverty, unemployment, illiteracy, reduced social standing, fragmented families etc. Father with a strong dependency.
- **Economic reason** - Economic hardship, meagre income, indebtedness, agricultural sector.
- **Psychological factors** - Diminished self-esteem, insufficient self-regulation, Psychological stress, Tension.

- **Contributory factors** - Affection, Insensitivity to political matters, inadequate preventive measures, inadequate implementation of legislation and failure to enforce the law.

### 5.7 Perpetrator of abuse

The parents advised their children to disregard the occurrence. “Belief and confidence in law enforcement have decreased, and the majority of female attendees expressed a need for educational programs focused on raising awareness about sexual assault.”(Sibnath Deb, 2006). Child abuse and neglect are pervasive global issues that are prevalent in societies worldwide. The cycle of violence that affects several people is a significant problem for society. The topics addressed in this source book, *Children in Agony*, include familial violence and its consequences. The effects on children, instances of child abuse and neglect, incidents of child trafficking and prostitution, and issues related to juvenile delinquency.

As per the National Criminal Victimization Survey conducted by the Department of Justice, According to a 1999 survey, an individual older than 12 experiences a sexual assault every 90 seconds. Rape is a heinous act of sexual violence. The National Violence against Kids Act identifies kids as the primary victims of this crime. Women’s report. Of the women who reported being raped, 21.6% were under the age of 12. 32.4% of the individuals were between the age ranges of 2 and 17, while 29% fell within the age range of 8 and 24. Additionally, 16.6% of the individuals were beyond the age of 25. Approximately 60% of rape and sexual assault cases, as reported by the United States Department of Justice, Instances of attack often take place inside the victim’s home or the domicile of an acquaintance, family member, or associate.

Family violence stems from a multitude of factors that vary across different societies. It varies from one culture to another. Family violence is more widespread in both lower and higher socioeconomic groups. Socioeconomic strata. Family violence arises from factors such as limited education, alcohol addiction, and socioeconomic disadvantage. Economic circumstances, substandard housing, and some family dynamics among the lowest socioeconomic class—the aforementioned factors contributing to this issue include insufficient education, alcohol addiction, unfavourable financial

circumstances, and inadequate housing. Certain family circumstances among the higher echelons of society. The primary factors contributing to this issue are disrupted social life, alcohol use, stress, everyday social pressures, and conflicts of ego. Scientists have conducted several investigations on this topic. In India, instances of sexual assault and harassment sometimes go unreported due to carelessness. Subjective experience of being subjected to unwanted and distressing behaviour in the law enforcement agency and judicial system, as well as the danger posed by the criminals.

Furthermore, the apprehension of social interaction discrimination and boycotts can impede the victim from reporting the matter to the police. If Child sexual abuse, including rape, is mostly perpetrated by close family members. The responsibility is inside the family, and it is a common occurrence. An instance of a stranger sexually assaulting a youngster is a rare occurrence. Sexual assault. Research findings indicate that children who have experienced sexual abuse also have increased susceptibility.

There is a risk of experiencing victimization again later in life. In his 2005 book, Paul explores the issue of child trafficking. The objective of commercial sexual exploitation is to profit from the sexual exploitation of individuals. This involves the systematic organization and operation of a framework that facilitates and enables such exploitation and it occurs. Child sexual abuse is defined as any kind of verbal or physical conduct. One individual's behaviour towards another person is distressing, belittling, injurious, and/or damaging. According to specialists, it is estimated that up to 60% of females in Sexual abuse is prevalent in our nation. Surprisingly, 75% of the reported incidents include sexual crimes in India, which opposes the mistreatment of underage individuals. One of the primary variables exacerbating child sexual abuse is the chance to have exclusive time with the youngster. The second factor is the child's accessibility. The third one is the nature of the connection between the kid and the criminal. If the perpetrator is a family member or resides in the same household, there is an increased likelihood of enduring and covert mistreatment. The fourth rationale is that kids may experience a loss of emotional stability as a result of their parents engaging in an extramarital relationship. Resistance within oneself to atypical movements. The sixth factor is the prevalence of substance abuse,

particularly alcohol and drug use. Parental consumption occurs in instances when children lack a role model to emulate. Finally, above everything, the presence of large numbers of people in a confined space and the act of leaving children unattended both contribute to instances of child sexual abuse occurring in public areas. The perpetrators acquire.

Deriving pleasure and a feeling of dominance from mistreatment. “Certain individuals who commit crimes have traits of psychopathy and substance abuse. Individuals who overuse alcohol. (Sagade, Jaya, 2005.) “Violence perpetrated against women is it hinders the attainment of the goals of equality, progress, and peace.

Overall, in communities, women and girls experience varying degrees of physical, sexual, and psychological assault that transcends boundaries of wealth, class, and culture. The diminished societal and economic standing of women may serve as both a catalyst and an outcome of violence against women. The problem of the exploitation and abuse of young girls in India is a matter of significant socio-legal concern. Given the importance and alarming pace at which cases of abuse against female children were growing, the National Commission for Women, in collaboration with the Society for Environmental Development, hosted a three-day workshop in Jodhpur, Rajasthan, focused on the welfare and empowerment of girls. There are instances of misconduct in Rajasthan and the involvement of social organizations. There were 52 participants present during the program. Attendees come from 18 districts in Rajasthan. There were a total of four technical sessions and two. Convening working groups to deliberate and conclude recommendations about the matter.

## **5.8 The primary**

### **5.8.1 The suggestions were as follows:**

Further research and investigations on a regional scale are required to assess the extent and severity of the issues, causal causes, implemented measures, obstacles, and further concerns. Concerning the issue of abuse, specifically targeting young girls, Task forces will be established at the district level, consisting of NGOs, advocates, and police personnel. The media, including both print and electronic platforms, should be persuaded to allocate a small portion of their resources. Allocate regular intervals of space and

time to educate and enlighten the general public on offenses committed against females. Jaya Sagade's work was published in 2005 states that a collaborative forum where collective efforts may be made to address issues and support sufferers. Effortlessly pursue justice and rehabilitation. Parents violate the fundamental rights of young girls to life and liberty. They coerce individuals into early marriages or withhold reproductive education from them. Well-being. Adolescent pregnancy is recognized as a primary factor contributing to elevated rates of maternal mortality. Death rates in underdeveloped nations. The overwhelming majority of maternal fatalities, amounting to 99%, take place in underdeveloped nations. In the text, the most glaring violation of human rights via avoidable deaths is the infringement upon the right to life, particularly among young girls. Defined as the fundamental entitlement to continue existing. Achyut, in the year 2016 mentioned that in addition to the inequitable outcome that arises from biological distinctions, child marriage has several repercussions for young girls. They lack the ability to explore paths that contribute to comprehensive personality development. Generally Girls' schooling and other social activities cease at marriage. This book highlights, in Chapter 11, the concept of absolute. The prevalence of rape in the state is mostly concentrated among underage females. Not only are adolescents the primary targets of this criminal activity, but it also affects girls as young as 10 years old. Offspring. Female individuals who are below the age of 16 and have been victims of such crimes (up to 2015). Research indicates that women from disadvantaged socioeconomic backgrounds are at a higher risk of being subjected to victimization. Crimes such as rape, kidnapping, and abduction are more prevalent in households belonging to lower and moderate socioeconomic classes. The author elucidates in this literary work that only 35 percent of victims of various forms of sexual abuse get help from their families. Seeking redress or working towards the rehabilitation of the victim in the lodging report. The inter-district the level of help provided to the victims varies, ranging from 20 percent in the Rayagada area to 43 percent. The percentage is in Khorda and Kalahandi districts. It should be observed that family support does not result in the submission of crime reports or any related cases. This suggests that after the occurrence of a

criminal act although the family members do not exhibit hostility towards the victim, they restrict her from reporting the crime due to its perceived dishonourable nature to the family, while in 32 in developed areas, social stigma is seen as the predominant element that hinders progress. Family members refrained from providing assistance to the victimized girls and women. Therefore, in this particular situation, in the current arrangement, female victims discover a lack of guaranteed safe spaces available to them.

### **5.9 The Juvenile**

It is important to ensure that the therapist will be present, supportive, and protective in order to provide reassurance. It exists. It is equally crucial to have a preparation phase for the caregivers. To train caregivers in order to enhance their own and their children's collective encounters, it is crucial to investigate their confidentiality issues. Furthermore, it is essential that caregivers comprehend that therapists have certain expectations about the type and regularity of their involvement. Prior to entering a group, preparing children and adults may improve their adaptation and expertise in group dynamics. The authors of this study are David Finkelhor and his colleagues, and the study was published in 1986. This book provides a comprehensive collection of scientific research spanning over ten years. Conducting a study on the issue of child sexual abuse. Studying sexual abuse presents significant difficulties. Victims, offenders, and their families exhibit a lack of enthusiasm and cooperation as research participants. Due to the disgrace and social stigma linked to it. Based on the findings of this study, a total of 44,700 youngsters experienced sexual molestation throughout the period starting on May 1, 1979, resulting in a rate of 0.7 per 1,000 individuals.

The inherent characteristics of the issue, including its clandestine nature, the resultant shame, and the legal repercussions opposition to it exists, and the fact that the victims are young and dependent makes reporting of their own accord less likely. Consequently, the majority of people feel that the rise in occurrence rates is mostly as a result of heightened knowledge, awareness, and dedicated professional focus on the issue. The effectiveness of simple methods for tackling critical issues is hindered and made more



complex by ethical considerations. The researchers will only investigate the incidence rates of child sexual abuse. Into the category of female children for the purpose of this discussion. In the event that child sexual abuse took place at many locations Comparisons of rates across various age cohorts have been mostly focused on younger populations, namely college students. Furthermore, there is a lack of discernible patterns based on age throughout the research. In the midst of in community research, the prevalence of sexual abuse has not shown substantial variation based on socioeconomic status. Learning and acquiring knowledge through formal instruction and study. The majority of sexual assault cases involved children from ethnic minority backgrounds. Previous assessments have focused on victims identified in medical facilities or social service records. Increasing data suggests a rising occurrence of sexual assault among the Afro the rate of obesity among Americans is not greater than that among whites. Child sexual abuse has a higher prevalence in some countries. Some locations have more extent or magnitude than

others. Due to a prevailing notion, California is believed to possess a higher level of sexual freedom. According to Johnson (1989), a study was conducted where 2,627 people were surveyed by telephone on a nationwide scale. While the prevalence rates of sexual abuse in other areas were at 26%, the Pacific region exhibited a different figure. Sexual assault perpetrated against children and adolescents is increasingly emerging as a prominent issue within society. This is impacting a diverse range of disciplines. This book is designed to function as a manual for those who've exposed individuals to either the victim or the offender. For the intents and objectives of this in the context of literature, the term 'sexual assault' denotes non-consensual sexual acts that are imposed, manipulated, or cause distress on an individual who is younger than 17 years old.

The sexual abuse of children is a criminal act that our society strongly rejects. In theory, yet exhibits tolerance in practice. This comment is assertive and deliberately designed to provoke a reaction. On a subject that is still considered socially unacceptable in many communities. In the United States, stereotypes and generalizations are prevalent. There is a lack of

knowledge and understanding of child sexual abuse, which is hindering our overall strategy. Childhood is a crucial period in a person's life. Sexual abuse often occurs inside the family unit, with abusers often being dads, stepfathers, uncles, or the mother's partner. Acquaintances and other individuals who have convenient and unrestricted access to the youngster inside their own residence. Sexual assault perpetrated against an individual Minor offenses are considered reportable crimes in all states within the United States. If the offender is a member of the family, if an individual is a family member or guardian of the kid, or if they are accountable for the child's well-being, if negligence allowed the offender to gain entry to the victim, then the incident must be reported. To the official child protective services agency mandated by law in that particular state. Sexual abuse and engaging in the mistreatment of children are synonymous with paedophilia. One of the most fundamental observations that may be made regarding juvenile offenders, it is important to note that they exhibit individual differences and should not be generalized. Each of them has distinct functions, and none of them do identical tasks. They engage in comparable transgressions due to identical motivations. Consensual

#### **5.10 Lack of Research:**

Research has been carried out on child sexual abuse in Rajasthan and after doing a thorough examination of the existing literature, it has been discovered that there is a scarcity of study on this particular subject. In addition to a small number of works there has been a lack of scholarly research on the delicate topic of child sexual abuse (CSA). Within a span of thirty units of time in the districts of Rajasthan, there is a lack of primary data on the study issue. However, only a small number of news articles, coverage by electronic media, and occasional reports at police stations are accessible as supplementary data sources. Therefore, the researcher has embarked on a novel endeavour to investigate the nature, cause, and many aspects of the study focuses on the many forms and circumstances, as well as the resulting effects and institutional structures, of child sexual abuse in the state of Rajasthan.

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# CHAPTER VI

## CHAPTER VI

### FIELD STUDY AND METHODOLOGY

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The following chapter, titled 'Field and Methodology', explores the specific area of study and its associated research methods. The research approach used in the current study. Child Sexual abuse is form in which an

adult or older adolescent uses a child for sexual stimulation, child sexual abuse can occur in variety of settings, including home, school, or at work. The effect of child sexual abuse can include depression, post-traumatic stress disorder, anxiety, fear, tension (sleep disturbance), and poor self-esteem.

Rajasthan has recorded a 66% increase in crimes against children between January and July 2019, as compared to the same period last year, police data shows. This research traces the social context of child sexual abuse, and the perceived roles of parents, community, and key professionals in handling such incidents in Southern Rajasthan. In southern Rajasthan neither the community nor the health or legal institutions are adequately prepared to handle these cases. Educating the community, economically empowering women and strengthening the medico-legal system are needed to increase the opportunity for human, legal and fair investigations and reactions. A national child protection system is needed to address the complexities of abuse at different levels and to safeguard the rights of children in southern Rajasthan. The data shows that the total number of cases registered under the Prevention of Children from Sexual Offences (POCSO) Act between January and July 2018 was 1180. The cases increased to 1967 in the January-July period this year, a rise of 66.69%. In 2018, Rajasthan was the second state after Madhya Pradesh to introduce death penalty for rape of children below 12 years. However, crimes against children have witnessed a steady rise. With daily reports of rapes, gang rapes and sexual abuse of minors in the state, the Congress government has on several occasions come under fire for the poor law and order situation. The police blame social media for the rising crimes. BL Soni, ADG (crime), said, "Availability of free data on mobiles and of pornographic content online is a major reason."<sup>(9)</sup> Soni said school administrations too have expressed concern over excessive social media activity of children which needs to be monitored and regulated by parents. At least six children were sexually harassed, raped, or killed every day on an average last year, the figure being one more than the number of cases registered in 2016, as per the home department data. The cases of crime against children have shown a

consistent rise in the past years. A total of 5,913 cases of rape, sexual harassment and murder of children were registered between January 2015 and December 2017, as per the home department data. The data shows a constant rise in such cases with 2126 registered in 2017 as against 1962 in 2016, and 1825 in 2015.

### **6.1 Major Cities**

The districts with most rape cases were Udaipur (86), Baran (64), and Bhilwara and Jaipur Rural (58).Sriganganagar had the highest number of sexual harassment cases at 39, followed by Jaipur West at 30, and Sikar and Alwar at 29 each.

The proposed study aims to comprehensively investigate the multifaceted issue of child sexual abuse in Southern Rajasthan, focusing on districts such as Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur. The primary objectives of this research include examining protective measures against child sexual abuse, understanding its root causes in India, raising awareness about these causes, and suggesting effective measures to combat this menace. Utilizing both doctrinal and non-doctrinal research methods, this empirical study will draw on primary and secondary data sources to provide a robust analysis.

A key hypothesis to be tested in this study is that the Protection of Children from Sexual Offences (POCSO) Act of 2012 effectively addresses rampant child sexual abuse cases, including the critical issues of legal and educational awareness. The hypothesis further posits that the inadequate implementation of these laws significantly contributes to the rising instances of child sexual abuse in India, particularly in Southern Rajasthan. Specific hypotheses include: (1) the POCSO Act 2012 is effective in addressing child sexual abuse cases in Southern Rajasthan, (2) a lack of legal and educational awareness fosters such cases, and (3) insufficient law enforcement leads to an increase in these incidents.

The research will also address several pertinent questions regarding child abuse: the reasons behind the rising incidents in India, the main factors driving the increase in Southern Rajasthan, the effectiveness of existing child protection

laws, the psychological impacts of child sexual abuse, the specific impacts on adolescents, and the long-term consequences. Additional questions include how parents should respond to suspected abuse, the commonality of children not disclosing abuse to their parents, and methods for detecting victims of sexual abuse.

This study is particularly relevant given the alarming statistics from India, where between January 1, 2019, and June 30, 2019, 24,212 cases of child abuse were reported, averaging 130 cases per day. Despite national policies and legal frameworks aimed at protecting children, the high incidence of abuse underscores a significant gap in the effective implementation and enforcement of these laws. In Southern Rajasthan, the challenges are pronounced, necessitating targeted interventions and heightened public awareness.

## **6.2 Objectives of proposed Study:**

The main objectives of the study shall be follows:

1. The object of research is to study the measures to protect the child from any form of sexual abuse.
2. To know and understand the causes of sexual abuse of children in India.
3. To make people aware of the causes of sexual abuse of children and to make them legally aware of their rights.
4. To suggest various significant and effective measure to check the menace of child abuse.

Doctrinal and Non-Doctrinal method of research, in other words it will an empirical study, the researcher will resort to the primary and secondary sources of data.

## **6.3 Hypothesis to be Tested:**

H0. POCSO ACT 2012 does not addresses the rampant sexual abuse cases against children in Southern Rajasthan.

H1. POCSO ACT 2012 addresses the rampant sexual abuse cases against children in Southern Rajasthan.

H0. Lack of Legal and educational awareness does not promote child sexual abuse cases.

H1. Lack of Legal and educational awareness promotes child sexual

abuse cases.

H0. Lack of proper implementation of laws is not the cause of increasing child sexual abuse cases in India.

H1. Lack of proper implementation of laws is the cause of increasing child sexual abuse cases in India.

#### **6.4 Statement of Problem:**

- Why the incidents of child's abuse in India are increasing day and day out?
- What is the main reason of increasing child sexual abuse cases in southern Rajasthan?
- Whether the child protection laws in India are effective in preventing child abuse?
- What will be the psychological impact of child sexual abuse?
- What's the long-term impact of sexual abuse?
- What should a parent do if sexual abuse is suspected?
- Is it common for children not to tell even their parents that they've been abused?
- How to detect the victim of sexual abuse?

#### **6.5 Sources of Information**

The research methodology for the study on child sexual abuse in Southern Rajasthan, specifically in the districts of Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur, will involve a meticulous and comprehensive approach to data collection and analysis. To ensure a robust and multi-dimensional understanding of the issue, the researcher will utilize both primary and secondary sources of data.

Primary data collection will be fundamental to the research. This will include gathering information through various legislative documents, judicial decisions, and executive orders that pertain to child sexual abuse. Additionally, the researcher will review rules and regulations issued by regulatory bodies to understand the current legal framework and its implementation. These sources will provide direct insights into the legal provisions and administrative measures in place to combat child abuse in the region.

Secondary data will be equally important and will be sourced from an

array of scholarly and professional materials. This includes books, law journals, articles, research papers, and newspapers that discuss the topic of child sexual abuse. These resources will offer a broader context and theoretical background, highlighting previous studies, expert opinions, and documented cases of child abuse. Critical analysis of this data will help identify trends, gaps, and the effectiveness of existing measures.

A key aspect of the study will involve conducting exploratory research through questionnaires, which will be meticulously designed by the researcher. These questionnaires, available in both Hindi and English, will be distributed across the entire study area to ensure comprehensive data collection. The dual-language approach will facilitate broader participation and more accurate responses from the diverse population in Southern Rajasthan.

In the event that additional data is required, the researcher will also resort to interviews and scheduled methods of data collection. These methods will provide qualitative insights and personal accounts, enriching the understanding of the impact of child sexual abuse and the effectiveness of the legal framework in these districts.

Moreover, secondary data will be supplemented with materials and reports published through authentic official channels of the government and its agencies. These agencies conduct and manage surveys, providing reliable and up-to-date information that is crucial for a thorough analysis.

The integration of both primary and secondary data will enable the researcher to conduct a detailed and critical analysis of child sexual abuse in Southern Rajasthan. By examining legislative and judicial frameworks, and analyzing field data from questionnaires and interviews, the research aims to uncover the underlying causes, current challenges, and potential solutions to this pressing issue. The ultimate goal is to contribute to the development of more effective legal and social measures to protect children from abuse and to ensure their safety and well-being in Southern Rajasthan.

#### **6.6 Issues to be addressed in the Study**

- Why the incidents of child's abuse in India are increasing day and day out?
- What is the main reason of increasing child sexual abuse cases in

southern Rajasthan?

- Whether the child protection laws in India are effective in preventing child abuse?
- What will be the psychological impact of child sexual abuse?
- Is the impact of sexual abuse different in adolescents?
- What's the long-term impact of sexual abuse?
- What should a parent do if sexual abuse is suspected?
- Is it common for children not to tell even their parents that they've been abused?
- How to detect the victim of sexual abuse?

The methods and techniques used in the present study are discussed below:

## **6.7 Methodology of Study:**

### **6.7.1 Investigating Child Victims of Southern Rajasthan through Questionnaires and Interview Schedules**

Methodology refers to a systematized investigation aimed at expanding new knowledge about a particular phenomenon, employing a systematic and scientific approach to achieve the research objectives. In the context of the current study on child victims of Southern Rajasthan, the methodology is designed to provide a comprehensive understanding of child sexual abuse in districts such as Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur.

### **6.7.2 Research Methods and Tools**

The research employs both qualitative and quantitative methods, utilizing questionnaires and interview schedules as primary tools for data collection. These tools are chosen for their effectiveness in capturing detailed and nuanced information from respondents, which is crucial for understanding the complex and sensitive issue of child sexual abuse.

### **6.7.3 Questionnaires**

#### **6.7.3.1 Design and Distribution:**

**Content:** The questionnaires are designed to gather a wide range of information, including demographic data, personal experiences, awareness of legal rights, and perceptions of law enforcement effectiveness. The questions are crafted to



be clear and concise, with a mix of open-ended and closed-ended formats to facilitate both quantitative analysis and qualitative insights.

**Language:** To ensure accessibility and inclusivity, the questionnaires are available in both Hindi and English. This approach helps in reaching a broader audience, considering the linguistic diversity of Southern Rajasthan.

**Distribution:** The questionnaires are distributed across various villages and towns within the study area. The distribution is strategic to ensure a representative sample from different socio-economic backgrounds and geographical locations.

#### **6.7.3.2 Advantages:**

**Large Sample Size:** Questionnaires allow the researcher to collect data from a large number of respondents, providing a robust dataset for statistical analysis.

**Anonymity:** They offer a degree of anonymity, encouraging more honest and open responses, particularly on sensitive issues like child sexual abuse.

#### **6.7.3.3 Interview**

##### **Schedules Purpose**

##### **and Execution:**

**Structure:** The interview schedules are semi-structured, allowing for flexibility in the conversation while ensuring that all key topics are covered. This method enables the researcher to probe deeper into specific issues raised by respondents.

**Participants:** Interviews are conducted with a selected group of participants, including child victims, police officials, and lawyers. This diverse group ensures that multiple perspectives on child abuse and legal enforcement are captured.

**Setting:** Interviews are conducted in a safe and comfortable environment for the participants. For child victims, special care is taken to ensure that the setting is non-threatening and supportive.

##### **6.7.3.3.1 Advantages:**

**Depth of Information:** Interviews provide rich, detailed data that can reveal insights not possible through questionnaires alone. They allow the researcher to explore the context and nuances of respondents' experiences and views.

**Clarification:** The researcher can clarify questions on the spot and follow up on interesting points, leading to more comprehensive and meaningful data.

### **6.8. Data Analysis**

The data collected through questionnaires and interviews are subjected to both quantitative and qualitative analysis. Quantitative data from the questionnaires are analyzed using statistical methods to identify trends and correlations. Qualitative data from the interviews are analyzed thematically to uncover underlying patterns and insights.

By employing a mixed-methods approach that integrates questionnaires and interview schedules, the study aims to provide a holistic understanding of child sexual abuse in Southern Rajasthan. This methodology not only helps in capturing the breadth of the issue through large-scale data collection but also delves into the depth of personal and professional experiences, thereby contributing to a more comprehensive and actionable knowledge base.

### **6.9. Research Design:**

The conceptual framework for conducting research is the research design, which serves as a strategic plan for data collection, measurement, and analysis. This study adopts an exploratory research approach, focusing on an issue with limited empirical research. Given the scarcity of existing studies, an exploratory methodology was deemed appropriate for this investigation.

### **6.10. Universe of the Study:**

Southern Rajasthan has been purposively selected for this research due to its significant relevance in the context of child sexual abuse within India. The study focuses on the districts of Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur, which together constitute the universe of the investigation. According to official records, these districts report numerous cases of child sexual abuse, making them a critical area for study. To ensure comprehensive coverage and a thorough understanding of the issue, all available cases from these districts have been included in the research without employing any sampling techniques. This approach aligns with the specific focus on Indian law for child abuse in 2024, providing an in-depth analysis of the prevalence, nature, and legal implications of child

sexual abuse in Southern Rajasthan.

#### **6.11. Selection of the Respondents:**

For the purpose of this study, the researcher has selected Southern Rajasthan as the primary location of interest. The respondents have been categorized based on their residing locations, specifically distinguishing between rural and urban areas within Southern Rajasthan. This region, along with its rural segments, provides the comprehensive setting for data collection. To ensure a robust and inclusive analysis, the researcher has included all available cases, encompassing a total of 400 child victims, 400 lawyers, and 400 police officers. Notably, child victims residing in child care homes in Southern Rajasthan have been contacted exclusively through their parents, ensuring ethical considerations and appropriate consent. This approach facilitates a detailed exploration of the issue with special reference to the legal and social dimensions of child abuse in the region.

#### **6.12. Sources of Data Collection:**

The primary and secondary data is used in this investigation. As previously noted, primary data was gathered using research techniques. Official documents, documentary evidences, and other secondary sources were compressed into the secondary source, NCRB report and literature related to the problem. A sporadic and unreliable data was available from Newspaper, NGOs and child care institutions. The researcher only relied on Government records. But, however, some secondary data of two NGOs have been analysed as the secondary data matched with records of government.

#### **6.13. Pilot Study:**

Pilot study is a kind of exploratory study that is being be done before the actual field work. It creates awareness the researcher to get some ideas of the real field situations and difficulties which they will encounter during the research work. Having collected secondary data, the researcher conducted pilot survey. It is conducted to pre-test of method and technique to be used by the researcher during the field work. It helps the researcher to do required modification in methods and techniques. In present study, pre-testing of interview schedule was done during pilot study. Two interviews were conducted to test interview schedule.

#### **6.14. Tools and Techniques Used For Collection of Data:**

The following tools and techniques have been used to collect the primary and secondary data for the study:

- Interview schedule
- Interview guide
- Case study

#### **6.15. Interview Schedule:**

The interview schedule aided the researcher to gather necessary data from the field. For the present study, purpose of the primary data collection, a set of interview schedule has been prepared. It is an extensive schedule which covers different viewpoints through which researcher can justify the data from different angles. Interview schedule was administered on parents/ elders of the victims.

The questions were both structured and open-ended with different headings as such: Particulars of age, gender, caste, religion, locality, marital status, educational background and occupational status of the victims, study about the victims relationship with abusers, neighborhood situation of the respondents, different responsible factors of child sex abuse, parents attitude towards the sexual abuse, Awareness of parents about sexual abuse, respondents attitude towards the role of police and Consequences of child sex abuse.

#### **6.16. Problems Faced by the Researcher**

Administration of interview schedule was not possible at the first instance.

Several attempts were made to establish rapport with respondents.

#### **6.17. Research Outline:**

In our extensive research focused on child sexual abuse in the districts of Southern Rajasthan—namely Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur—a significant primary data collection effort was undertaken. To ensure a comprehensive and representative analysis, we selected a total of 1,200 participants, comprising 400 child victims, 400 police officials, and 400 lawyers. This diverse cohort was chosen to provide a multifaceted perspective on the issue, encompassing the experiences and insights of both the victims and the key stakeholders involved

in law enforcement and legal proceedings.

The data collection process was meticulously planned to accommodate the varied preferences and circumstances of the participants. Some provided their responses through written questionnaires, allowing for detailed and reflective answers. Others participated in verbal discussions, which facilitated a more interactive and nuanced exploration of their experiences and viewpoints. This mixed-method approach not only enriched the data but also ensured that participants could engage in a manner most comfortable to them, thereby enhancing the reliability and depth of the collected information.

By involving child victims, we aimed to capture the direct impact of abuse and the effectiveness of protective measures. The inclusion of police officials was crucial to understanding the practical challenges and successes in the implementation of child protection laws, particularly the POCSO Act 2012. Lawyers, on the other hand, provided critical insights into the legal processes and the efficacy of judicial interventions in curbing child abuse.

This empirical study highlights the persistent challenges and the gaps in the legal and enforcement frameworks in Southern Rajasthan. Despite the existence of robust laws, such as the POCSO Act, the rising incidents of child sexual abuse underscore the need for better implementation and greater public awareness. The feedback from police officials and lawyers pointed to significant barriers, including a lack of resources, insufficient training, and societal stigma, which impede effective law enforcement and legal redress.

Furthermore, the psychological and social impacts on child victims were profoundly evident in their responses, emphasizing the urgent need for comprehensive support systems and preventive measures. The study also underscored the critical role of educational initiatives in fostering legal awareness and empowering communities to protect their children better.

In conclusion, this research provides a detailed and multi-dimensional understanding of child sexual abuse in Southern Rajasthan, offering valuable insights and recommendations for policy-makers, law enforcement agencies, and the legal community. By addressing the

identified gaps and leveraging the collected data, it is hoped that more effective strategies can be developed to safeguard the rights and well-being of children in these vulnerable districts.

#### **6.18. Interview Guide:**

Interview guide was used to collect qualitative data. During pilot study, the researcher learnt the techniques of using interview guide. When the researcher forgot to ask some questions to the respondents, it helped to collect in-depth data. Interview guides were prepared for eliciting ideas and suggestions regarding the problem of child Sexual abuse. Four sets of interview guide were used in this study.

#### **6.19. Case Study:**

To gain the deeper information's from the respondents, the case study method has been used in Pilot study. From the present research work, the oral history case studies from the respondents have been collected by the researcher using extensive interviewing of the offenders individually. Total no of twenty four case studies with the consent of family members and relatives were used in this study. But it was a very tough work.

#### **6.20. Tabulation and Analysis of Data:**

Primary and secondary data were collected, arranged, and processed in a systematic manner in order to meet the study's objectives. The replies were compiled and organised into tables. Tabulation of the responded records have been done with the help of appropriate procedures including frequency distribution etc. Qualitative data was analysed and interpreted from interview and case studies. Frequent discussions with supervisor, key informants like child line director, chairperson CWC, caretakers of CCI's, school teachers and advocates practicing the cases. Qualitative data analysis was a very difficult task. Contents of qualitative data and statements collected through interview was not easily handled by the researcher. Therefore, after various rounds of discussions with child activists, parents of victims and key informants, the common point of inferences were drawn.

#### **6.21. Field Experience:**

The researcher has been able to gather a lot of experience during the field investigation. It is indeed a very difficult task to collect data from

the field through qualitative methods like interview and case study. The topic is a sensitive and delicate one. Initially, it looked impossible the work on it. After six months of continuous field visit, the researcher felt helpless. He did not get any support from anywhere. After their intervention, secondary data could be collected in a phased manner. Collection of field data was an uphill task. It took almost three months to contact parents and relatives of sexually abused children. After establishing rapport with them, interview schedule was used. Parents were not at all co-operative. After consulting them and giving them assurance that the data will be used for research purpose, the requisite information could be collected. The real challenge was faced at the time of case study. Identification of case study was the most difficult task.

For this purpose, the researcher had visited eight child care homes at regular intervals. Looking at the situation, when parents of children were available, case study could be possible. Interview of key informants was not palatable on the part of researcher. He had to run from pillar to post to get an appointment with concerned school teachers, officials of child welfare committee, NGO workers, members of various organizations, police officers and others who have been interviewed by the researcher. Analysis of collected qualitative data through interview guide was the most difficult exercise. However, with the support of the supervisor, common emerging points with regard to objectives of the present study were analysed. In-depth interpretation of the situation, life stories, experiences and life incidents regarding the issue under investigation as emerged from interview of key informants and parents of abused cases provided groundwork for findings of the study. Despite these challenges the data has been collected without violating any research ethic.

#### **6.22. Limitations of the Study:**

The current study only looks at a few significant types of child sexual abuse, such as penetrative sexual assault, sexual assault, and sexual harassment. Victims belonging to high socio-economic background have been excluded from the study as their family members did not co-operate with the researcher. In spite of all efforts, information could not be collected from them. Due to a lack of accessible resources and constraint of time the researcher had to limit study area to Southern Rajasthan only, where large

number of cases are available.

### **6.23. Analysis Tools and Techniques:**

Numerous **statistical tools**, techniques, and approaches, including collection, categorization, **tabulation**, **graphical display**, and **percentages**, among others, have been used by the researcher. Tests of significance like the **Chi-square Test** have also been used by the researcher wherever necessary and practical to draw inferences and test **hypotheses**. With the **aid of various statistical tools**, including **statistical tables** and **percentiles of various numerical values in relation to relevant data**, the analysis of the data received has been carried out. Additionally, data on the number of clients who were the victims of child Sexual abuse was studied.

### **6.24. A Model of Design:**

Sampling<sup>1</sup> is the process of choosing a portion of the total so that adjustments or conclusions about the aggregate or total can be made. The random and convenience Sampling has been considered in this research investigation. For the purpose of study, a small number of objects from the cosmos must be chosen. A sample is made up of a certain number of people, things, or things that reflect the entire population. A sample is a discrete segment of the population chosen for study.

A sample can be used to draw conclusions about the population. For this study, 400 sample (each category) respondents were chosen. The participants in the study are child Sexual abuse victims from southern Rajasthan, who are of various ages, genders, and occupations and have faced this curse. The responses are all district inhabitants of southern Rajasthan. Any consumers over the age of 20 constitute the sample population for this study.

### **6.25. Data Collection**

#### **2. Primary Data**

Primary data for this study was collected directly from key stakeholders involved in the context of child sexual abuse in Southern Rajasthan. Specifically, the data collection focused on 400 child victims, 400 lawyers, and 400 police officers. The primary data sources were approached through

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<sup>1</sup> Sampling is a technique that involves taking a small number of participants from a much bigger group.



structured interviews, surveys, and direct interactions to gather firsthand information.

For the child victims, data was collected through their parents to ensure ethical practices and obtain necessary permissions. The lawyers provided sights into the legal processes, challenges, and support mechanisms related to child sexual abuse cases, while the police officers offered perspectives on law enforcement procedures, case management, and victim support. This direct approach ensured that the data gathered was both relevant and comprehensive, addressing various aspects of child sexual abuse from multiple professional and personal viewpoints.

### **3) Secondary Data**

The following secondary data sources are used to compile the data:

- 1) Publications from a few specific banks, such as reports, bulletins, and sporadic publications based on child sexual abuse victims.
- 2) Numerous books, journals of research, magazines, reports, websites, news sources, etc. reporting child sexual abuse.

#### **6.26. Data Sources Include:**

The gathering of data is a crucial phase in the research process. The researcher individually addressed the respondents with a structured questionnaire in order to collect data from them. The questionnaire included instructions. The respondents were requested to answer honestly and were allowed to mention any challenges they may have had. The questionnaires were returned for additional analysis after the respondents had completed their responses. The decision-makers were fully aware that a person is a valuable resource and a former national asset that should be maintained, fostered, and developed with delicacy and care along with dynamism. They also correctly noted that India is going through a phase in its political and social life that could lead to the disintegration of long-held values and misguidance of youth for destructive purposes. The ideals of democracy, secularism, and professional ethics are all under pressure.

To reach specific results in this study, both primary and secondary data have been used.

#### **2) Basic Information:**

It was gathered by randomly selecting 400 victims from the aforementioned area who were the victims of child sexual abuse. The interviews were conducted using a set of structured questionnaires that included questions about safety awareness as well as statistical and personal information about the respondent, such as the type of family, the type of abuse the respondent had and the legal steps taken.

In addition to using a standardized questionnaire to collect data, the researcher also conducted interviews with police officers, and lawyers to elicit more information about child sexual abuse victims and the security precautions implemented by the police.

The policy makers were completely aware that a human being is a positive asset and a previous national, resource which needs to be cherished, nurtured and developed with tenderness and care coupled with dynamism.

They also rightly observed India's political and social life is passing through a phase which poses the danger of erosion to long accepted values. The goals of secularism, democracy and professional ethics are coming under increasing strain.

In this study, both primary and secondary data has been utilized to arrive at certain conclusions.

Sampling is defined as the selection of some part, out of the total based on which, some adjustments or inferences about the aggregate or the total can be drawn.

In this research, random and convenience sampling methods have been employed to gather data. Sampling is essential because it is often impractical or impossible to study an entire population due to constraints such as time, cost, or logistics. Therefore, a selection of individuals or items, known as a sample, is chosen to represent the larger group.

A sample is a smaller subset of the population that reflects its characteristics and diversity. By studying this sample, researchers aim to infer

conclusions about the entire population. Random sampling ensures that every member of the population has an equal chance of being selected, which helps to minimize bias and increase the reliability of the results. On the other hand, convenience sampling involves selecting individuals who are easily accessible or available, making it a faster and more cost-effective method, though it may introduce some level of bias.

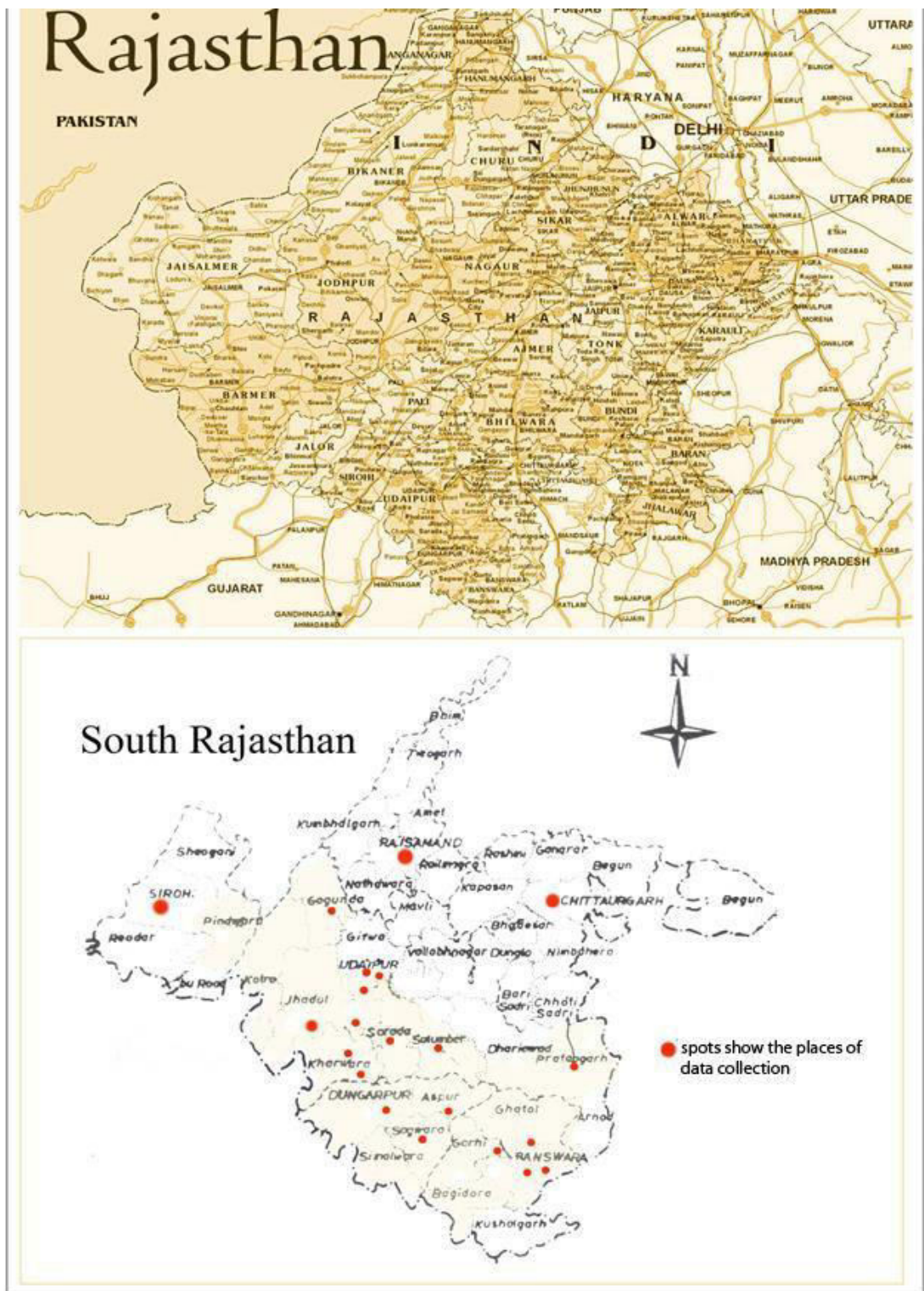
By using these sampling techniques, researchers can gather data and analyze it in a more manageable way, ultimately helping them draw insights and conclusions that are applicable to the broader population.



**Rajasthan**

**Map Area of  
Study**

**Sample Design**



**Fig.6.1 Map of Area of Study**

All the respondents are residents of southern Rajasthan. For this study, the

samples are any victims of different ages. There are various areas in southern Rajasthan out of which the researcher has selected only the areas given in the above figure.

### **6.27. Map and List of Area of Study**

The study on child sexual abuse in Southern Rajasthan encompassed an in- depth analysis of various villages across several districts, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur. The villages selected for this research were chosen to provide a comprehensive understanding of the prevalence and dynamics of child abuse within rural settings, where instances of such abuse can often be underreported and overlooked.

In Chittorgarh District, the villages studied included Gangrar, Nimbahera, and Badi Sadri, among others. These areas were specifically chosen due to their distinct socio-economic conditions and the unique challenges they present in terms of child protection. The data collected from these villages highlighted critical gaps in the enforcement of child protection laws and the socio-cultural factors that contribute to the persistence of abuse.

Moving to Udaipur District, villages such as Gogunda, Kherwara, and Salumber were part of the study. Udaipur, known for its diverse population and varying levels of economic development, provided a rich context for examining how different community dynamics impact the effectiveness of child abuse prevention measures. The insights gained from these villages emphasized the need for tailored awareness campaigns and stronger community-based support systems.

In Sirohi District, the villages of Abu Road, Pindwara, and Mount Abu were included. These areas are notable for their geographical and cultural diversity, which presented unique challenges and opportunities for addressing child abuse. The study in Sirohi underscored the importance of localized interventions that consider the specific needs and characteristics of each community.

The research in Pratapgarh District focused on villages like Arnod, Chhoti Sadri, and Dhariyawad. These regions, with their distinct tribal populations and socio-economic conditions, revealed the critical role of cultural sensitivity in implementing effective child protection strategies. The findings pointed to the necessity of engaging local leaders and influencers in awareness and prevention efforts.

In Banswara District, villages such as Garhi, Bagidora, and Anandpuri were studied. Banswara's predominantly tribal population and remote locations highlighted the significant barriers to reporting and addressing child abuse. The data from these villages called for enhanced outreach programs and mobile units to provide necessary support and services to affected children and their families.

Lastly, in Dungarpur District, the research included villages like Aspur, Sagwara, and Simalwara. The study in these areas emphasized the critical role of educational institutions and local governance in preventing child abuse. The findings suggested that strengthening school-based programs and integrating child protection modules into the education system could significantly reduce the incidence of abuse.

Overall, the study across these districts of Southern Rajasthan provided a detailed and nuanced understanding of child sexual abuse in rural settings. The comprehensive data collection from diverse villages enabled the formulation of targeted recommendations for policy improvements, better law enforcement, and more effective community-based interventions. This research aims to contribute to the development of more robust and culturally appropriate strategies to protect children and uphold their rights across Southern Rajasthan.

**Table. 6.2 Details of Area of Study**

<b>S.no</b>	<b>Name of the Village</b>	<b>Location/Place</b>
1.	Kewda	Udaipur Dist.
2.	T.D.Zawar	N.H.08, Zawar Mines, Udaipur.

3.	Parsad	Zawar Mines, Udaipur Dist.
4.	Chawnd	Salumber Road, Udaipur Dist.
5.	Sagwada	N.H.08 , Rishabh Dev.
6.	Gogunda	Pindwara N.H.
7.	Bichhiwara	Jhadol (Ph).
8.	Jhadol	Jhadol (F).
9.	Prithviganj	Banswara Dist.
10	Magwas	Jhadol (Ph)
11	Jaisamand	Jaisamand, Salumber Dist.
12	Salumbar	Salumbar. Banswara Rd.
13	Aaspur	Banswara Dist.
14	Sabla	Banswara Dist.
15	Paloda	Banswara Dist. N.H.
16	Dungarpur	Dungarpur. Dist.
17	Partapur	Banswara Dist.
18	Semari	Salumbar ,Rd.
19	Sarada	Salumbar ,Rd. ,Udaipur Dist.
20	Pratapgarh	Pratapgarh. Dist.
21	Pindwara	Sirohi. Dist.
22	Gogunda	Udaipur Dist.
23	Ghatol	Banswara . Dist.
24	Rajsamand	Kankroli

**Data based on personal discussion:****Table 6.3 : Data based on personal discussion:**

S.no	Name of the Area	Rural	Urban	Semi-Rural	Semi-Urban	Total Respondents
1.	<b>Udaipur District</b>	3074	1289	480	605	64
		16	16	16	16	
2	<b>Dungarpur District</b>	1980	465	1518	580	64
		16	16	16	16	
3.	<b>Chittorgarh District</b>	2030	1040	1030	805	64
		16	16	16	16	
4.	<b>Pratapgarh District</b>	3060	1080	930	720	64
		16	16	16	16	
5.	<b>Banswara District</b>					64
		20	20	20	20	
6.	<b>Sirohi District</b>					64
		16	16	16	16	
7.	<b>Others</b>				16	16
<b>Total</b>						<b>400</b>

To allocate questionnaire, the total of 400 respondents among 24 different locations in Southern Rajasthan, the following random distribution was applied: Kewda received 10 respondents, T.D. Zawar was assigned 15 respondents, Parsad had 12 respondents, and Chawnd was allocated 10 respondents. Sagwada was given 8 respondents, while Gogunda and its sub-region were each assigned 12 respondents. Bichhiwara received 10 respondents, Jhadol had 12 respondents, and Prithviganj was allocated 10



respondents. Magwas was given 8 respondents, Jaisamand had 15 respondents, and Salumbar was assigned 10 respondents. Aaspur received 10 respondents, Sabla had 12 respondents, and Paloda was allocated 8 respondents. Dungarpur received 15 respondents, Partapur was assigned 10 respondents, and Semari had 12 respondents. Sarada received 10 respondents, Pratapgarh was allocated 15 respondents, and Pindwara had 10 respondents. Ghatol was given 8 respondents, and Rajsamand was assigned 15 respondents. This random distribution ensured that a diverse and representative sample was collected from various regions across Southern Rajasthan for the study on child sexual abuse.

#### **Techniques of Analysis:**

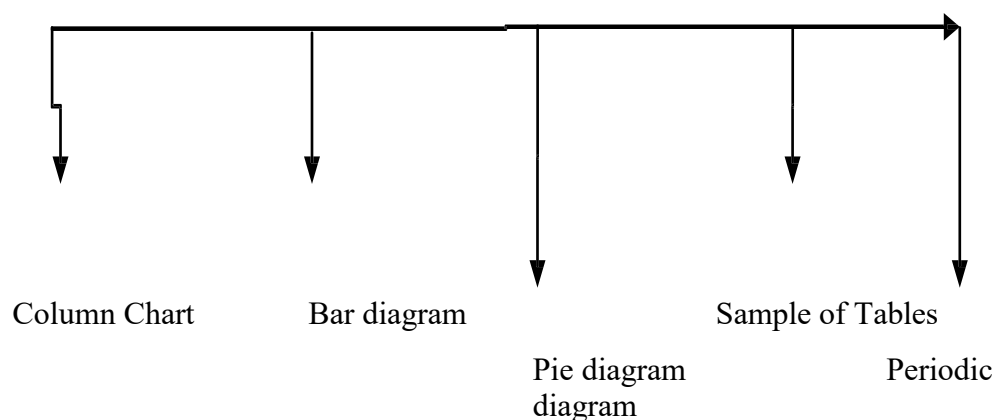
The researcher has used various **statistical tools, techniques and methods** such as **collection, classification, tabulation, graphical presentation and percentages**, etc. The researcher has also applied, wherever necessary and possible, **tests of significance** such as **Chi-square Test for drawing inference and testing of Hypothesis**.

The analysis of the data obtained has been carried out with the help of different **statistical tools** such as **statistical tables, percentiles of various numerical values according to related data**.

Also, information regarding the number of cases of child sexual abuse.

**Fig.6.4**

**Child sexual abuse has been presented as follows:**



**SAMPLE FRAME OF THE SELECTED NUMBER OF  
RESPONDENTS**

**Table No. 6.5**

<b>S. No</b>	<b>Area</b>	<b>Total Victims</b>	<b>Physical Abuse</b>	<b>Online Cases</b>	<b>Selected</b>
1.	<b>Udaipur District</b>	1314	922	392	66
2.	<b>Dungarpur District</b>	387	289	98	66
3.	<b>Chittorgarh District</b>	411	375	36	66
4.	<b>Pratapgarh District</b>	271	214	57	66
5.	<b>Banswara District</b>	280	215	65	66
6.	<b>Sirohi District</b>	241	220	21	66
7.	<b>Others</b>			04	04
8.	<b>Total</b>				400

**6.28. To Conclude**

The geographic scope of this study is intentionally limited, focusing on a micro-level analysis of child sexual abuse within six specific districts of Southern Rajasthan: Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur. Despite the relatively confined area of investigation, this targeted approach provides a detailed and in-depth examination of the issue, particularly in the context of Indian law for child abuse as of 2024. The research aims to explore the prevalence, legal challenges, and support mechanisms related to child sexual abuse in these districts, offering insights that are both specific and actionable. By concentrating on these six districts, the study achieves a nuanced understanding of the local dynamics and legal processes involved in

addressing child abuse. The micro-nature of the research allows for a focused assessment of case studies, legal frameworks, and victim support systems within a manageable scope, thereby generating findings that can significantly inform policy recommendations and practical interventions. Although the area of study is limited, the results are expected to have substantial benefits. They offer a foundation for developing more effective legal strategies, improving victim support services, and guiding future research on child sexual abuse in other regions of India. The insights gained from this localized analysis are designed to contribute meaningfully to the broader discourse on child protection and justice, thus ensuring that the study's findings have both immediate and long-term impacts on addressing child sexual abuse in Southern Rajasthan and beyond. In the next chapter, the analysis of the data will be given using various tools and techniques.

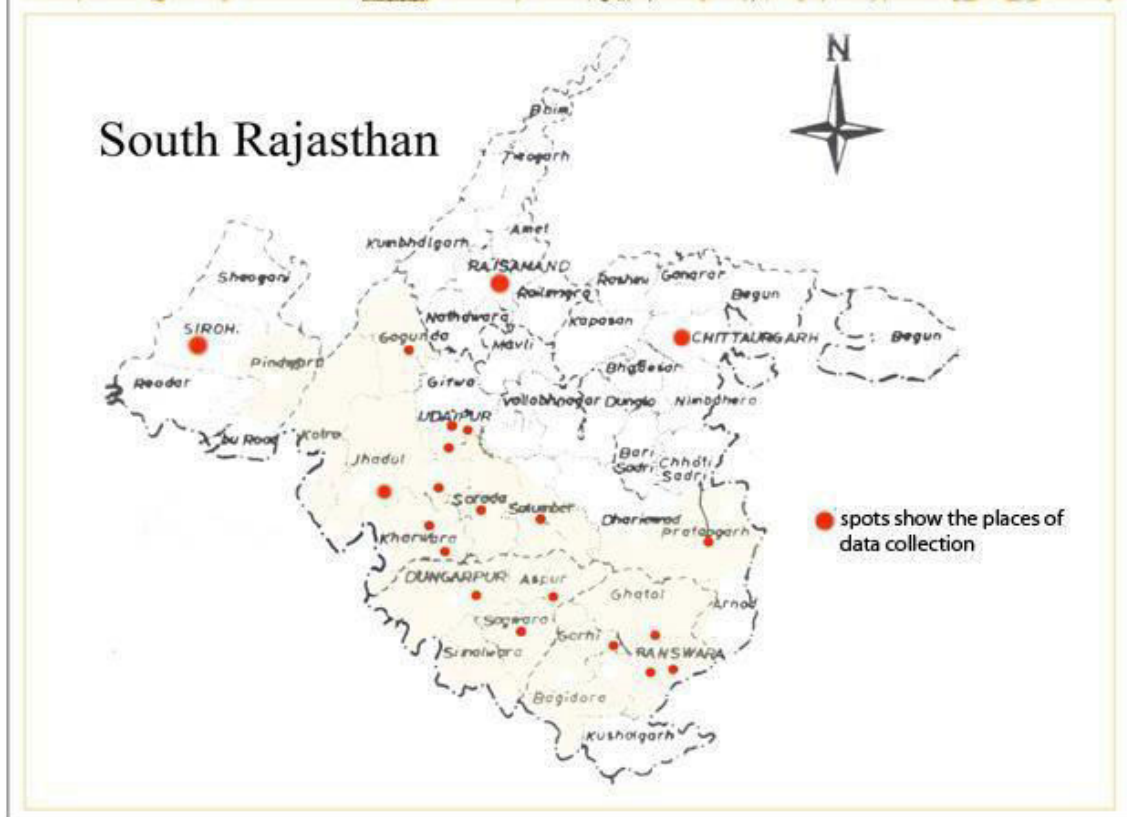
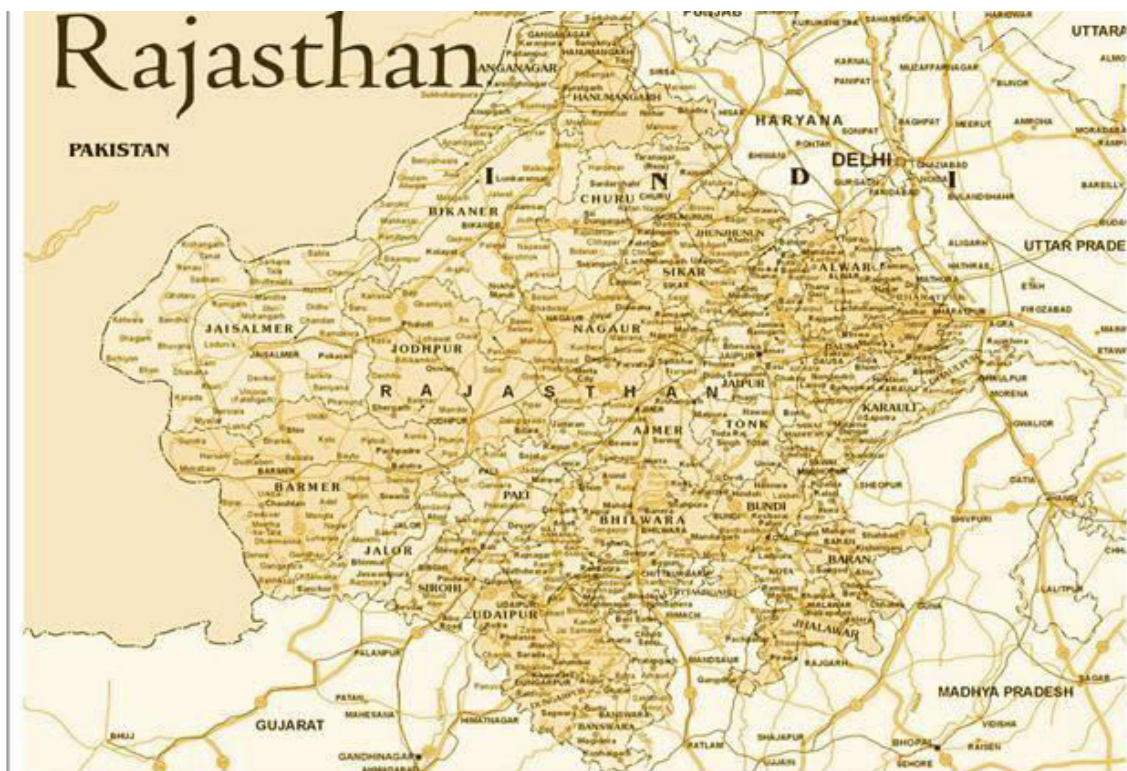
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# CHAPTER VII

# CHAPTER VII

## ANALYSIS AND INTERPRETATION OF DATA



**7.1 Introduction:****7.2 Tools Used****7.3 The Need for Questionnaires****7.4 Scope of teacher's questionnaire****7.5 Scope of student's questionnaire****7.6 Sources of Data Collection****7.7 Analysis of Data Collection****7.7.1 Questionnaire for General People****7.8 Questions****7.9 Data Analysis of the questionnaire for Police Personals: (For Police officials only)****7.10 List of Select Police Stations:****7.11 Testing of Hypothesis****7.12 Future Enhancement****7.1 Introduction:**

The present study attempts to explore the social context of child Sexual abuse, and the perceived roles of parents, community, and key professionals in handling such incidents in southern Rajasthan.

This chapter sums up the findings of a field survey conducted on the sample of respondents including legislators, judicial decision makers, and executive orders regulatory bodies of Rajasthan.

The survey aimed at finding out:

- The object of research is to study the measures to protect the child from any form of Sexual abuse.
- To know and understand the causes of Sexual abuse of children in India.
- To make people aware of the causes of Sexual abuse of children and to make them legally aware of their rights.
- To suggest various significant and effective measure to check the menace of child abuse.

**7.2 Tools Used**

The following tools were used to carry out the field study.

- a) A sample of respondents including legislators, judicial decision makers, and executive orders regulatory bodies of Rajasthan.

**7.3 The Need for Questionnaires**

Since the present research was meant to evaluate measures to protect the child from any form of Sexual abuse so the researcher had to analyse the existing scenario. This study would have been incomplete if the researcher had not been able to collect the views of the legislators, judicial decision makers on all the three aspects mentioned above. Any changes in the system will remain ineffective unless the legislators, judicial decision makers who are to implement them are aware of these changes. only through the questionnaire study it was made possible to find out if the people were aware of the causes of Sexual abuse of children. The views of the people are no less important; it is for them everything is done, they are the focus and end-point of all the elements of society. Since they are the ones who are working, it was felt necessary to elicit information about their socio-economic background, their need for studying law, their assessment of the prescribed legal materials and their opinion regarding the implementation to which they are exposed. This data could best be collected only with the help of the questionnaire.

The specific issues covered by the questionnaire are the following:

#### **7.4 Scope of First questionnaire (Police Personnel and Lawyers')**

- a) To know the causes of Sexual abuse of children.
- b) To know the strengths and weaknesses of the laws under consideration.
- c) To explore the measures to protect the child from any form of Sexual abuse.

#### **7.5 Scope of Second questionnaire (Children and Parents)**

1. To know the awareness of people about the causes of Sexual abuse of children.
2. Their needs and requirement in terms of the amended laws.

The conclusions are drawn according to the responses of the sample and the observations made during the survey. These problems can be summarized as given below. This survey was conducted at one level through a questionnaire.

This chapter focuses on analysis of the collected primary data from the 400 residents and officials of respective grounds of different age groups and TSP area. They were selected from (Tribal Area (TSP area)) within the age group of 18 - years. Appropriately standardized Psychological tests were administered to them to assess the psychological characteristics of Digital deceptions and frauds in tribal area. Also, the hypothesis is tested with the use of Chi-Square test depended



on study area or graphical presentation. The data collected is scrutinized, tabulated to analyze in the study. It is also presented at a glance in the form of different tables, graphs, bar and pie designs and interpretation. The analysis was attempted to know the up to what extent the hypothesis made in the beginning was proven at the end of the analysis.

The assessment has enabled the researcher to come to conclusion concerning various aspects of Sexual abuse of children associated to area of research.

## **7.6 SOURCES OF DATA COLLECTION:**

The two types of data are analyzed in the study:

- Primary Data (which will be generated after analysis of the questionnaires.)
- Secondary Data (which will be available ready-made as was made by other sources.)

The data were collected by preparing an open-ended questionnaire as well during personal interviews. To understand the causes of Sexual abuse of children in India. The collected data are analyzed with the help of following research instruments:

1. Legislator's and judicial decision maker's personal discussion
2. Use of tools like interview schedule and filling questionnaire.
3. Field exploration and facts analysis.

## **ANALYSIS OF DATA COLLECTION**

### **7.7.1 Questionnaire for General People**

**Table No. 7.1**

a) **Respondents' Awareness (About Child Sexual Abuse and Protection Laws in India, classified gender wise)**

	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>%</b>
1.	310	90	400	100%

(Source: Field Survey)

**Table No. 7.1** indicates that 310 male respondents were aware about Child Sexual Abuse and, 90 Females are aware about Child Protection Laws in India.

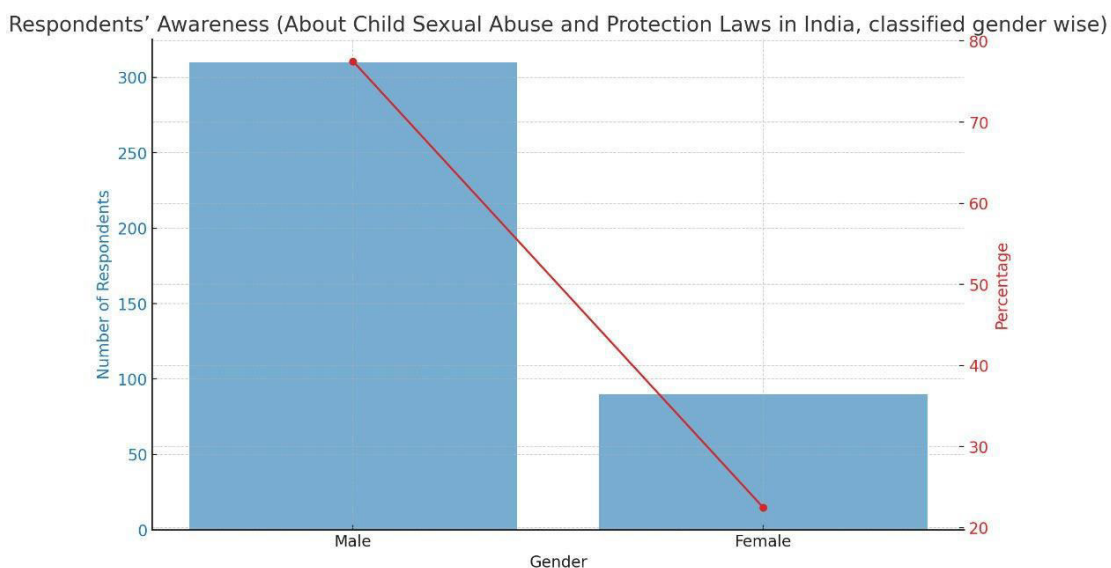
To analyze the data presented in Table No. 1 regarding respondents' awareness about child Sexual abuse and protection laws in India, classified by gender, we need to break down the numbers and calculate the percentage of male and female respondents out of the total.

#### Analysis:

- **Male Awareness:** out of 400 respondents, 310 are male, making up 77.5% of the total respondents.
- **Female Awareness:** out of 400 respondents, 90 are female, making up 22.5% of the total respondents.

#### Visualization:

To visualize this data, let's create a bar chart.



#### Key Insights:

- **Gender Distribution:**
- **Male Respondents:** Represent a significant majority (77.5%).
- **Female Respondents:** Represent a smaller portion (22.5%).

- **Implications:**

1. The data indicates a higher level of participation or awareness among males compared to females regarding child Sexual abuse and protection laws in India.
2. This disparity could be due to various factors such as differences in access to information, social norms, or willingness to respond to surveys on this topic.

**Visualization:**

- The bar chart shows the number of respondents by gender.
- The line plot superimposed on the bar chart represents the percentage of respondents by gender.

overall, the analysis highlights a gender imbalance in the awareness or reporting of knowledge about child Sexual abuse and protection laws, with males being more predominant in the sample surveyed.

**Table No. 7.2**

**Respondents [Qualification wise] aware about Child Sexual Abuse and Protection Laws in India**

S. No	Qualification	No. of Respondents
1.	PG	109
2.	Graduation	95
3.	High. Sec. Certificate	98
4.	Sen. Sec. Certificate	70

(Source: Field Survey)

**Table No. 7.3** The dataset provides the number of respondents categorized by their highest educational qualifications. The qualifications and the corresponding number of respondents are as follows:

1. **Post-Graduate (PG):** 137 respondents

2. **Graduation:** 95 respondents
3. **Higher Secondary Certificate (High. Sec. Certificate):** 98 respondents
4. **Senior Secondary Certificate (Sen. Sec. Certificate):** 70 respondents

### Analysis:

#### 1. Distribution of Respondents by Qualification:

- The highest number of respondents have a Post-Graduate (PG) qualification, with 137 individuals.
- Respondents with a Higher Secondary Certificate (High. Sec. Certificate) are the second largest group, with 98 individuals.
- Graduates are the third largest group, with 95 individuals.
- The smallest group is those with a Senior Secondary Certificate (Sen. Sec. Certificate), with 70 individuals.

2. **Proportion of Each Qualification Category:** To understand the distribution proportion of each qualification category, we calculate the percentage of respondents in each category relative to the total number of respondents.

$$\text{Total Respondents} = 137 + 95 + 98 + 70 = 400$$

$$\text{Total Respondents} = 137 + 95 + 98 + 70 = 400$$

- The Post-Graduate (PG) group has the highest representation among the respondents, accounting for approximately 34.3% of the total.
- The Senior Secondary Certificate (Sen. Sec. Certificate) group has the lowest representation, making up about 17.5% of the total.
- The proportions of respondents with Graduation and Higher Secondary Certificate qualifications are quite similar, at 23.8% and 24.5% respectively.

This analysis highlights the educational background of the respondents, showing a higher tendency towards advanced qualifications (Post-Graduate and Graduation) compared to basic secondary education qualifications (Higher Secondary and Senior Secondary Certificates). This insight could be valuable for understanding the demographic profile of the surveyed population.

**Table No. 7.3**

	Teachers	Regulatory bodies	Legislators	Businessmen	Judicial decision	House wives	others
1.	70	27	23	127	17	40	43

Table No. 7.3 indicates that, 70 respondents Teachers, 27 respondents are regulatory bodies, 23 respondents are Legislators, 127 respondents are Businessmen, 43 are others, 17 respondents are Farmers Judicial decision, 40 respondents are Housewives.

#### **Total Number of Respondents**

Let's first calculate the total number of respondents:

$$\text{Total Respondents} = 70 + 27 + 23 + 127 + 17 + 40 + 43$$

#### **Summary of Findings**

- **Businessmen (36.6%)**: This group has the highest number of respondents, indicating a significant level of interest or awareness among business professionals.
- **Teachers (20.2%)**: The second highest group, suggesting that educators also have a considerable level of awareness.
- **others (12.4%)** and **Housewives (11.5%)**: These groups show notable participation.
- **Regulatory Bodies (7.8%)**, **Legislators (6.6%)**, and **Judicial Decision (4.9%)**: These groups have fewer respondents, which could indicate less engagement or awareness among these categories compared to others.

#### **Insights**

- The high percentage of businessmen suggests that this group may have a vested interest or higher awareness in child Sexual abuse and protection laws, potentially due to corporate social responsibility initiatives or business ethics.
- The substantial representation of teachers highlights the importance of educators in spreading awareness and educating students and the community about these issues.
- The lower percentages for regulatory bodies, legislators, and judicial decisions might indicate areas where more targeted awareness and educational campaigns could be beneficial.

This analysis helps identify which groups are more engaged and where there might be gaps in awareness that need to be addressed.

#### 7.4 Questions

Some questions were also asked during the personal meeting with the respondents. The questions are as follows:

#### Q1. In your opinion, how prevalent is child Sexual abuse in your community?

**Table No. 7.5**

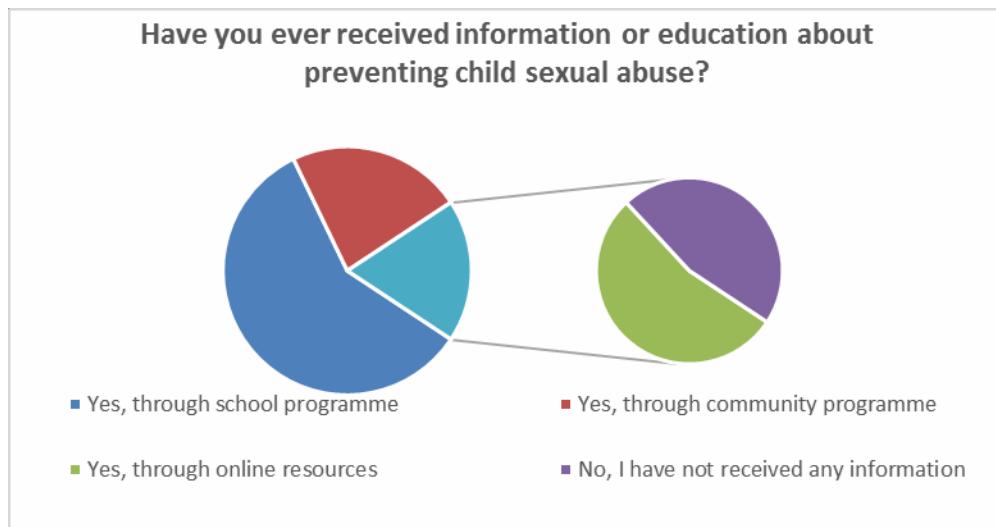
<b>Gender</b>	Very prevalent	Somewhat prevalent	Not very prevalent	Not prevalent at all	<b>Total</b>
<b>Male</b>	268	41	10	8	400
<b>Female</b>	29	22	20	2	

**Table No. 7.9** is regarding different types of Child Sexual Abuse respondent customers out of total 400 (100%) respondents, 268 Male respondents hold 'Very prevalent', 29 Female respondents hold 'Very prevalent'. 41 Male respondents hold 'Somewhat prevalent', 22 female hold 'somewhat prevalent', 10(m) 20 (f) respondents hold 'Not very prevalent', and final sample is minimum Customers 8(m) 2 (f) respondents hold 'Not prevalent at all'. All are aware about Child Protection Laws and Child Sexual Abuse but don't want to talk about it.

The data on the perceived prevalence of child Sexual abuse in the community, broken down by gender, reveals significant differences in perceptions between male and female respondents. Among the 400 male respondents, a substantial majority, 268, believe that child Sexual abuse is very prevalent, while 41 consider it somewhat prevalent. only a small fraction of males perceive it as not very prevalent (10) or not prevalent at all (8). In contrast, among the 73 female respondents, only 29 view it as very prevalent, with 22 considering it somewhat prevalent. A higher proportion of females, compared to males, perceive the issue as not very prevalent (20) or not prevalent at all (2). This disparity in perceptions may indicate differences in awareness or personal experiences related to child Sexual abuse between genders. The data suggests a general consensus among males that child

Sexual abuse is a significant issue in their community, whereas female respondents present a more varied perspective. This highlights the need for targeted awareness programs that address these differing perceptions and encourage a unified understanding of the prevalence and seriousness of child Sexual abuse.

**Q.2 Have you ever received information or education about preventing child Sexual abuse?**



The pie chart represents the percentage distribution of respondents who have received information or education about preventing child Sexual abuse from various sources. A substantial portion, approximately 50%, have received this education through school programs, highlighting the critical role educational institutions play in addressing this issue. Around 20% of respondents have gained information through community programs, indicating the importance of community-based initiatives in spreading awareness.

online resources account for approximately 15% of the respondents' sources of information, reflecting the increasing reliance on digital platforms for educational purposes. However, a notable 15% of respondents reported that they have not received any information about preventing child Sexual abuse. This data underscores the need for more extensive outreach and comprehensive educational strategies to ensure that information about child Sexual abuse prevention reaches a broader audience. overall, while schools and community programs are significant sources of information, there remains a gap that needs to be addressed to enhance awareness and prevention efforts

comprehensively.

**Q.3 Do you believe that your community takes sufficient measures to prevent child Sexual abuse?**

**Table . 7.6**

Answers	Yes, very sufficient	Yes, somewhat sufficient	No, not very sufficient	No, not sufficient at all	Total
No of Resp.	154	98	90	58	400

**Table 7.6** showed that 154 respondents finds that they were informed ‘Yes, very sufficient’, 98 respondents find ‘**Yes, somewhat sufficient**’ , 90 respondents find that they did not receive proper measures, they say ‘**No, not very sufficient**’ and 58 respondents told that they were ‘**No, not sufficient at all**’.

The data from the survey regarding the sufficiency of measures taken by the community to prevent child Sexual abuse reveals varied perceptions among the 400 respondents. Analyzing the responses in terms of percentages provides a clearer understanding of these perceptions.

Out of the total respondents, 154 believe that the measures are “very sufficient,” which constitutes 38.5% of the sample. Additionally, 98 respondents, or 24.5%, think that the measures are “somewhat sufficient.” Combined, these two categories indicate that 63% of respondents (38.5% + 24.5%) feel that the community is taking adequate measures to some extent.

on the other hand, 90 respondents, making up 22.5%, feel that the measures are “not very sufficient,” while 58 respondents, or 14.5%, believe the measures are “not sufficient at all.” This totals 37% of respondents (22.5% + 14.5%) who perceive the community's efforts as lacking.

overall, the data shows that while a majority of respondents (63%) believe their community takes sufficient measures to prevent child Sexual abuse, a significant minority (37%) feel that the measures are inadequate, highlighting



the need for ongoing improvements and heightened efforts in community prevention strategies.

**Q.4 If you suspected or knew of a child being Sexually abused, would you know how to report it to the appropriate authorities?**

**Table No. 7.7**

No. of Respondents	Yes, but I am not very confident	No, I am not sure how to report	No, I don't know how to report	Total
	242	58	100	400

**Table No. 7.7** provides that 400 (100%) respondents, maximum 242 respondents are not very confident, whereas 58 respondent are not sure how to report and 100 don't not know how to report.

The survey data regarding respondents' knowledge on how to report suspected or known cases of child Sexual abuse to the appropriate authorities reveals significant insights into the community's awareness and confidence levels. Among the 400 respondents, 242 (60.5%) indicated that they know how to report such incidents but are not very confident in doing so. This suggests that while the majority have some awareness, there is a lack of confidence that could hinder effective reporting.

Meanwhile, 58 respondents (14.5%) admitted that they are not sure how to report suspected cases, indicating a clear gap in knowledge. Additionally, 100 respondents (25%) stated that they do not know how to report such incidents at all. Combined, these two groups account for 39.5% of the respondents who either lack knowledge or are uncertain about the reporting process.

This analysis highlights the need for improved education and clear guidance on reporting mechanisms to ensure that more individuals feel confident and knowledgeable about how to take appropriate action if they suspect or know of a child being Sexually abused. Enhanced training and awareness programs could bridge this gap, leading to better protection for children in the community.

**Q.5 Are you aware of any PoCSO Act dealing with child abuse?**

**Table No. 7.8**

<b>%</b>	<b>Yes, and I am familiar with the Act</b>	<b>Yes, but I am not familiar with the Act</b>	<b>No, I am not aware of any Act</b>	<b>Don't Know</b>	<b>Total</b>
<b>No. of Respondents</b>	182	78	89	51	400

**Table No. 7.8** provides information about popularity of **PoCSO Act dealing with child abuse**. 182 say they are familiar with the **PoCSO Act**, 78 say yes, but are not familiar with the **PoCSO Act**, 89 say they are not familiar with the **PoCSO Act**, and 51 don't know about it.

The survey data on respondents' awareness of the Protection of Children from Sexual offences (PoCSO) Act reveals a range of familiarity with this critical legislation. out of 400 respondents, 182 (45.5%) indicated that they are aware of and familiar with the PoCSO Act. This suggests that nearly half of the respondents have a good understanding of the legal framework designed to protect children from Sexual abuse.

Additionally, 78 respondents (19.5%) are aware of the PoCSO Act but are not familiar with its details. This indicates that while these individuals recognize the existence of the Act, they lack detailed knowledge about its provisions and implementation.

on the other hand, 89 respondents (22.25%) reported that they are not aware of any such Act, reflecting a significant gap in awareness that needs to be addressed. Furthermore, 51 respondents (12.75%) stated that they don't know, indicating uncertainty or lack of exposure to information about the PoCSO Act.

In summary, while a substantial portion of respondents (65%) are aware of the PoCSO Act, there is a notable percentage (35%) who either lack awareness or familiarity with the Act. This underscores the need for enhanced awareness campaigns and educational initiatives to ensure comprehensive understanding and effective implementation of child protection laws within the community.

#### **Q.6 Respondents views about family violence effects on child Sexual abuse cases.**

<b>Violence affects</b>	<b>yes</b>	<b>No</b>	<b>Don't Know</b>	<b>total</b>
<b>No. of Respondents</b>	330	60	14	400

**Table No. 7.9** provides information about family violence effects on child Sexual abuse cases, out of total 400 (100%) respondents. Maximum 330 respondents expressed it does affects and 60 respondents said 'no', 14 don't know about it.

The survey data regarding respondents' views on the impact of family violence on child Sexual abuse cases provides a clear perspective on community opinions. out of 400 respondents, a significant majority of 330 (82.5%) believe that family violence affects child Sexual abuse cases. This high percentage suggests a strong consensus among respondents about the detrimental link between family violence and child Sexual abuse.

Conversely, 60 respondents (15%) do not believe that family violence affects child Sexual abuse cases.

This minority opinion indicates that some individuals may perceive these issues as separate or may lack awareness of the potential connections.

Additionally, 14 respondents (3.5%) indicated that they don't know whether family violence impacts child Sexual abuse cases. This small percentage reflects a level of uncertainty or lack of information among a few respondents.

overall, the data indicates that the vast majority of respondents recognize the harmful effects of family violence on child Sexual abuse cases, highlighting the importance of addressing family violence as part of broader efforts to protect children and prevent abuse.

Enhanced educational and support programs could further reduce the percentage of those unaware or uncertain about this critical issue.

**Q.7 Do you think lack of proper implementation of laws is the cause of increasing child Sexual abuse cases in India?**

**Table No. 7.10** says out of total, 400 (100%) respondents, 250 respondents said 'yes' and 150 said 'no' and 05 can't say anything.

<b>Lack of proper implementation of child protection laws</b>	<b>yes</b>	<b>No</b>	<b>Can't say</b>	<b>Total</b>
No. of Respondents	250	145	05	400

The survey data regarding respondents' views on whether the lack of proper implementation of child protection laws is a cause of increasing child Sexual abuse cases in India reveals significant insights.

out of 400 respondents, 250 (62.5%) believe that inadequate enforcement of laws contributes to the rise in child Sexual abuse cases.

This majority opinion underscores a widespread concern about the effectiveness of existing legal frameworks and their enforcement in protecting children.

In contrast, 145 respondents (36.25%) do not attribute the increase in child Sexual abuse cases to the poor implementation of laws, suggesting that they might see other factors as more significant contributors to the issue.

Additionally, 5 respondents (1.25%) were uncertain and chose the “can't say” option, indicating a small portion of individuals who are either undecided or lack sufficient information to form an opinion on this matter.

overall, the data indicates that a significant majority of respondents perceive the lack of proper implementation of child protection laws as a key factor in the increasing incidence of child Sexual abuse in India.

This highlights the need for strengthening the enforcement of existing laws and ensuring that they are effectively implemented to better protect children and reduce the prevalence of abuse.

**Q.8 Do you think PoCSO Act 2012 have some loopholes and it is misused for unfair advantages?**

**Table 7.11**

<b>Are there any loopholes in PoCSO Act 2012?</b>	<b>Yes</b>	<b>not sure</b>	<b>no</b>	<b>Can't say</b>	<b>Total</b>

No. of Respondents	98	97	38	157	400
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**Table No. 7.11** indicates that, 98 respondents said ‘yes’, 97 respondents said ‘**not sure**’, 38 respondents mentioned ‘no’, 157 respondents can’t say anything about it.

The survey data regarding respondents' views on whether the PoCSo Act 2012 has loopholes and is misused for unfair advantages provides varied perspectives.

Out of 400 respondents, 98 (24.5%) believe that the PoCSo Act has loopholes, indicating a concern among a quarter of the respondents about the effectiveness and robustness of the legislation.

Additionally, 97 respondents (24.25%) are unsure about the presence of loopholes in the Act, reflecting a significant portion of the population that may not have sufficient knowledge or clarity about the specifics of the Act.

On the other hand, 38 respondents (9.5%) believe there are no loopholes in the PoCSo Act, suggesting a minority view that the legislation is comprehensive and effective as it stands.

A substantial number of respondents, 157 (39.25%), chose the “can't say” option, indicating a high level of uncertainty or lack of information about the Act and its potential for misuse.

overall, the data indicates that while there is a notable concern about the presence of loopholes in the PoCSo Act 2012, a significant portion of respondents are either unsure or lack sufficient information to form a definitive opinion.

This highlights the need for increased awareness and education about the Act, its provisions, and its implementation to address these concerns and reduce uncertainty among the public.

**Q.9 Is Child marriage also the reason of child Sexual abuse?**

**Table No. 7.12**

Child Marriage is also the reason of child Sexual abuse?	Yes	No	Can't Say	Total
No. of Respondents	70	294	36	400

**Table No. 7.12** shows that, out of total 400 (100%) respondents. Maximum 70 respondents said 'yes' and 294 respondents said 'no' and 36 were not able to say anything.

The survey data on whether child marriage is perceived as a reason for child Sexual abuse presents clear opinions from the respondents. out of 400 respondents, 70 (17.5%) believe that child marriage is a reason for child Sexual abuse. This minority perspective highlights a concern among some individuals about the connection between child marriage and the risk of Sexual abuse.

In contrast, a significant majority of 294 respondents (73.5%) do not see child marriage as a reason for child Sexual abuse. This indicates a prevalent belief that other factors are more critical in contributing to child Sexual abuse cases.

Additionally, 36 respondents (9%) are unsure and selected the "can't say" option, reflecting some level of uncertainty or lack of sufficient knowledge to form a definite opinion on the matter. overall, the data reveals that while a small portion of respondents acknowledges a link between child marriage and child Sexual abuse, the majority do not see this connection. This suggests a need for further education and dialogue to explore and address the various factors contributing to child Sexual abuse, including the potential impact of child marriage.

**Q10. Do you think today's media (Cinema, Television, Social media, Internet) is also equally responsible to increase child Sexual abuse?**

**Table No. 7.13**

<b>Reasons</b>	<b>Yes</b>	<b>Not Sure</b>	<b>No</b>	<b>No</b>	<b>Total</b>
			<b>Reply</b>		
No. of Respondents	154	98	53	95	400

Table No. 7.17 indicates that out of total 400 (100%) respondents, 154 respondents said 'yes' Cinema, Television, Social media, Internet are responsible, 98 respondents said 'they are not sure' cinema, Television, Social media, Internet may be responsible, 95 respondents said these are not responsible and 53 respondents were not able to say anything.

To analyze the data from Table No. 13, we need to convert the raw numbers into percentages to better understand the distribution of opinions among the 400 respondents regarding whether today's media is equally responsible for increasing child Sexual abuse.

Here’s a step-by-step breakdown and the resulting analysis:

The data indicates that a plurality of respondents, 38.5%, believe that today’s media (including cinema, television, social media, and the internet) is equally responsible for increasing child Sexual abuse.

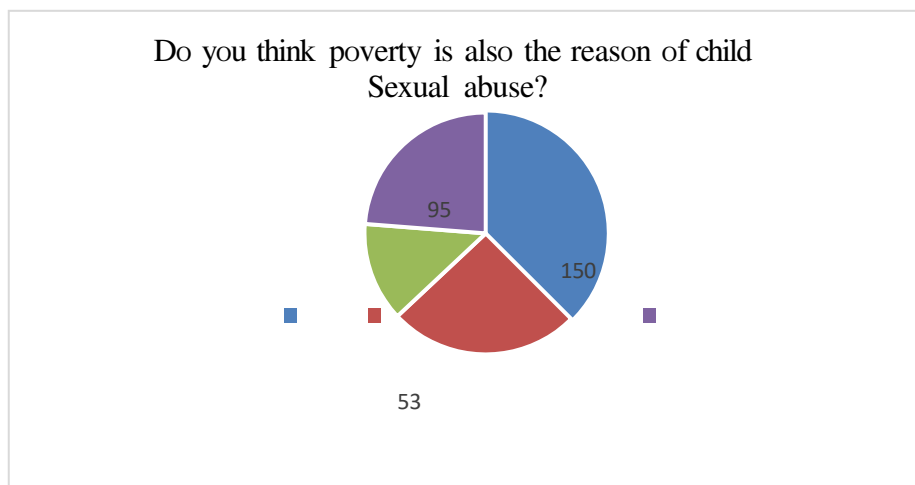
Meanwhile, 24.5% of respondents are unsure about the media's role in this issue. A significant portion, 23.75%, disagree with the idea that media contributes to the rise in child Sexual abuse, while 13.25% did not provide a response.

Overall, there is a notable concern among the majority that media could play a role in exacerbating the issue, though a substantial number of individuals are uncertain or do not see a connection.

**Q11. Do you think poverty is also the reason of child Sexual abuse?**

**Table No. 7.14**

Reasons	Yes	Not Sure	No Reply	No	Total
No. of Respondents	150	102	53	95	400



Based on the provided data, we can analyse the responses to the question “Do you think poverty is also the reason of child Sexual abuse?”

Here is the breakdown:

- |                  |               |
|------------------|---------------|
| a) Yes: 150      | d) No: 95     |
| b) Not Sure: 102 | e) Total: 400 |
| c) No Reply: 53  |               |

### Analysis

#### 1) Distribution:

- The highest number of respondents believe that poverty is a reason for child Sexual abuse (37.5%).
- A significant portion of respondents are unsure (25.5%).
- A smaller percentage did not reply (13.25%).
- Nearly a quarter of the respondents (23.75%) do not think poverty is a reason for child Sexual abuse.

### Key Insights:

1. **Yes (37.5%)**: This is the largest segment, indicating that a significant portion of respondents believe that poverty is a contributing factor to child Sexual abuse.
2. **Not Sure (25.5%)**: A quarter of respondents are uncertain, suggesting a lack of consensus or knowledge on the issue.
3. **No (23.75%)**: Almost a quarter of respondents disagree, indicating that they do not see a direct link between poverty and child Sexual abuse.
4. **No Reply (13.25%)**: A smaller segment did not provide a response, which might indicate indifference or unwillingness to answer the question.

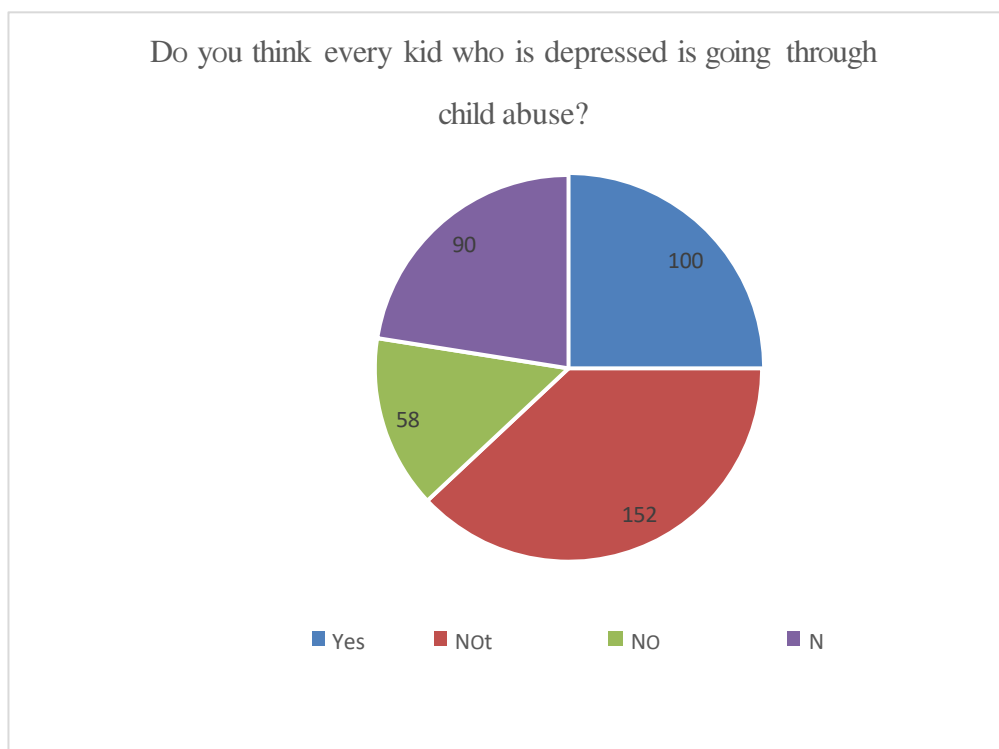
overall, the responses are quite varied, with a notable proportion of people unsure about the connection between poverty and child Sexual abuse.

This suggests that while there is some agreement that poverty could be a factor, there is also a significant amount of uncertainty and differing opinions on the matter.



**Q12. Do you think every kid who is depressed is going through child abuse?**

Reasons	Yes	Not Sure	No Reply	No	Total
No. of Respondents	100	152	58	90	400



- Yes:  $100/400 \times 100 = 25\%$
- Not Sure:  $152/400 \times 100 = 38\%$
- No Reply:  $58/400 \times 100 = 14.5\%$
- No:  $90/400 \times 100 = 22.5\%$

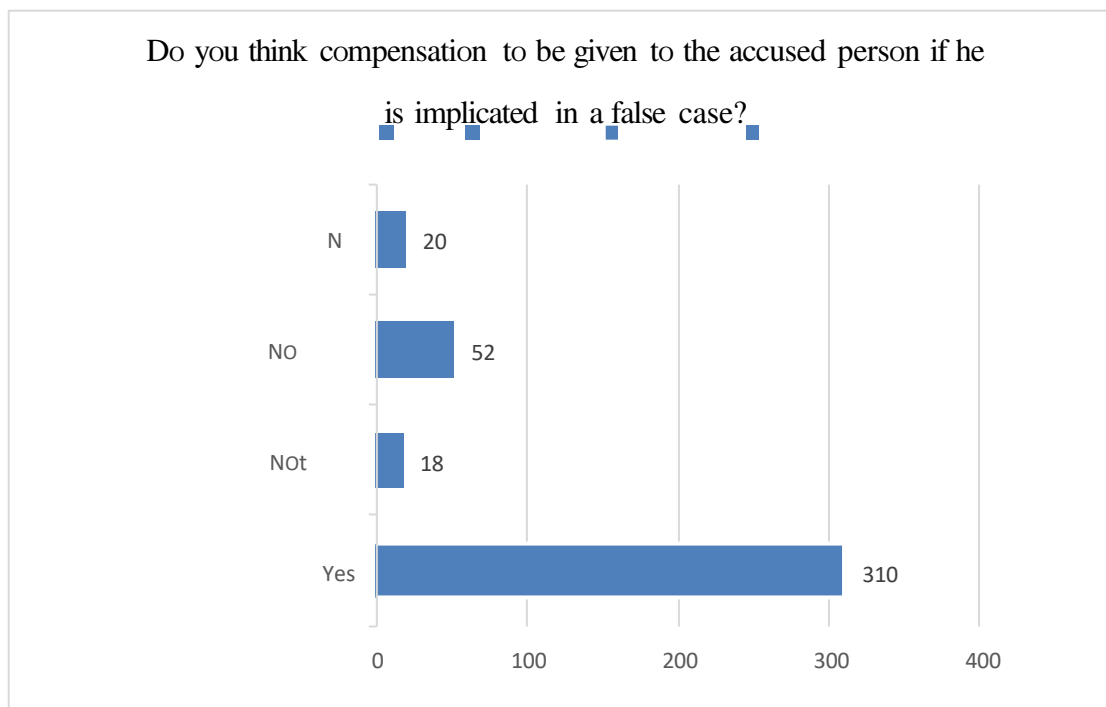
The data reveals that 25% of respondents believe that every child who is depressed is experiencing child abuse.

A substantial 38% are uncertain about whether depression in children is necessarily linked to abuse, indicating a level of ambiguity on the subject.

Meanwhile, 22.5% of respondents do not believe that depression is an indicator of child abuse, and 14.5% did not provide a response. Overall, there is a notable split in opinions, with a significant portion of respondents uncertain or skeptical about the direct connection between child depression and child abuse.

**Q13. Do you think compensation to be given to the accused person if he is implicated in a false case?**

Reasons	Yes	Not Sure	No Reply	No	Total
No. of Respondents	310	18	52	20	400



Sure, let's analyse the data provided about respondents' opinions on whether compensation should be given to an accused person if they are implicated in a false case.

#### **Data overview:**

- Total Respondents: 400
- Responses:
  - Yes: 310
  - Not Sure: 18
  - No Reply: 52
  - No: 20

#### **Analysis:**

1. Majority opinion (Yes)

Respondents: 310

-Percentage: 77.5%

**Analysis:** The majority of respondents believe that compensation should be given to those implicated in false cases. This strong majority suggests a societal consensus on the need to address the injustices faced by those wrongfully accused. The support for compensation might be driven by a recognition of the psychological, financial, and reputational damages suffered by the falsely accused.

#### 2. Uncertain Respondents (Not Sure):

Respondents: 18

Percentage: 4.5%

**Analysis:** A small fraction of respondents are unsure about whether compensation should be provided. This uncertainty could stem from a lack of information on the subject, concerns about the implications of such a policy, or the belief that each case might need to be evaluated on its own merits.

#### 3. Non-respondents (No Reply):

Respondents: 52

Percentage: 13%

**Analysis:** A significant portion of the respondents chose not to reply. This non-response could indicate a variety of factors including indifference, lack of knowledge, or unwillingness to express an opinion on a potentially sensitive topic. Understanding why respondents chose not to reply could provide deeper insights into public opinion.

#### 4. Minority opinion (No):

Respondents: 20

Percentage: 5%

**Analysis:** A small minority of respondents are against the idea of compensation. This viewpoint may arise from concerns about the potential for abuse of such compensation systems, the burden on taxpayers, or the belief that current legal remedies are sufficient to address wrongful accusations.

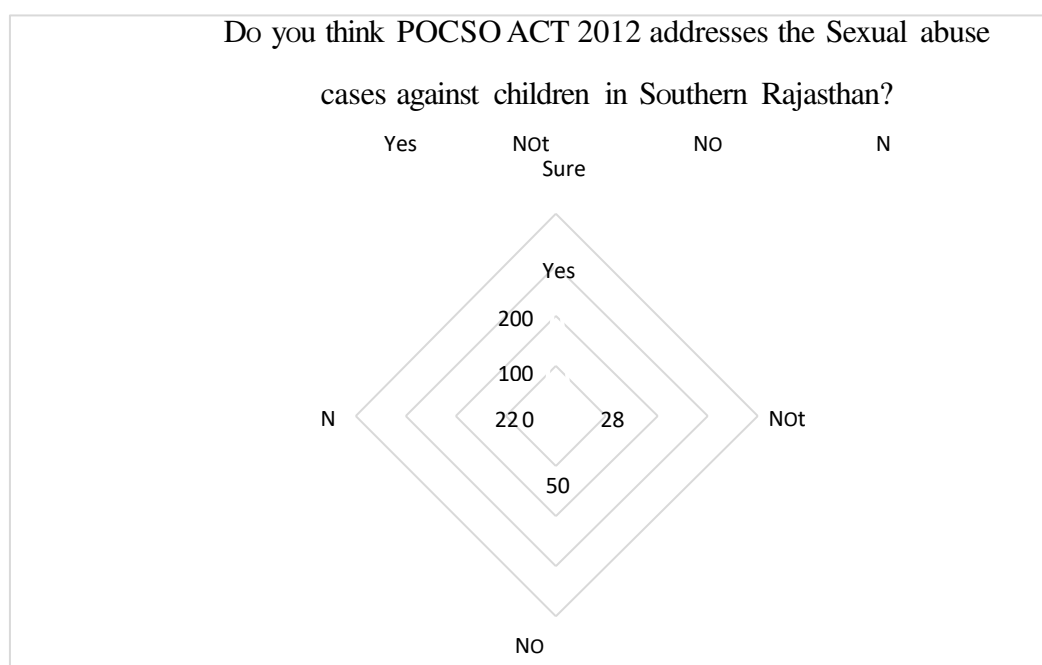
The overwhelming majority (77.5%) supports the idea of providing compensation to individuals implicated in false cases, highlighting a strong public sentiment towards rectifying the wrongs suffered by the falsely accused.

- A small percentage (4.5%) are unsure, indicating a need for more public education or discussion on the issue.
- 13% of respondents did not reply, which may point to a need for further research to understand this group's perspective.
- only 5% are against the idea, suggesting that opposition to compensation is relatively minimal.

The data indicates a clear preference for implementing compensatory measures to support those falsely accused, reflecting a collective desire for justice and fairness in the legal system.

**Q14. Do you think PoCSO ACT 2012 addresses the Sexual abuse cases against children in Southern Rajasthan?**

Reasons	Yes	Not Sure	No Reply	No	Total
No. of Respondents	300	28	50	22	400



The data provided about respondents' opinions on whether the POCSO Act 2012 addresses sexual abuse cases against children in Southern Rajasthan.

**Data overview:**

Total Respondents: 400

**- Responses:**

- Yes: 300

- No Reply: 50

- Not Sure: 28

- No: 22

**Analysis:**

1. Majority opinion (Yes):

- Respondents: 300

- Percentage: 75%

- **Analysis:** The majority of respondents believe that the POCSO Act 2012 effectively addresses Sexual abuse cases against children in Southern Rajasthan. This suggests strong confidence in the legislative framework and its implementation in the region. The support may be rooted in awareness of the act's provisions, successful cases, and overall trust in the legal system's capacity to protect children.

#### 2. Uncertain Respondents (Not Sure):

- Respondents: 28

- Percentage: 7%

- **Analysis:** A small segment of respondents are unsure whether the POCSO Act effectively addresses the issue. This uncertainty could arise from a lack of information, mixed outcomes in observed cases, or concerns about the act's enforcement and accessibility.

#### 3. Non-respondents (No Reply):

- Respondents: 50

- Percentage: 12.5%

- **Analysis:** A notable proportion of respondents did not provide an answer. This non-response might indicate ambivalence, lack of sufficient knowledge on the subject, or reluctance to engage with the topic. Further inquiry might be needed to understand their perspectives better.

#### 4. Minority opinion (No):

- Respondents: 22

- Percentage: 5.5%

- **Analysis:** A small minority believes that the POCSO Act does not adequately address Sexual abuse cases against children in Southern Rajasthan. This view might stem from perceived gaps in the law, challenges in its implementation, or dissatisfaction with the outcomes of specific cases. These respondents might advocate for additional measures or reforms to enhance the act's effectiveness.

- A significant majority (75%) believe the POCSO Act 2012 is effective in addressing child Sexual abuse cases in Southern Rajasthan, indicating a strong

endorsement of the legislation and its enforcement.

- A smaller percentage (7%) are unsure, suggesting a need for more public awareness and information about the act's provisions and effectiveness.
- 12.5% did not respond, pointing to a potential area for further research to understand their reasons for non-response.
- Only 5.5% are against the effectiveness of the act, highlighting a minority viewpoint that might focus on specific shortcomings or challenges in the law's application.

The data indicates a broad confidence in the POCSO Act 2012 among respondents, with a few expressing uncertainty or skepticism, underscoring the importance of continuous evaluation and improvement of the legal framework to ensure comprehensive protection for children.

**Q15. Do you think child should also be punished for giving false information or false complaint?**

Reasons	Yes	Not Sure	No Reply	No	Total
No. of Respondents	252	48	40	60	400
<ul style="list-style-type: none"> <li>• Total Respondents: 400</li> <li>• Responses: <ul style="list-style-type: none"> <li>▪ Yes: 252</li> <li>▪ Not Sure: 48</li> <li>▪ No Reply: 40</li> <li>▪ No: 60</li> </ul> </li> </ul>					

The data provided about respondents' opinions on whether a child should be punished for giving false information or a false complaint.

**Analysis:**

- **Majority opinion (Yes):**
  - Respondents: 252
  - Percentage: 63%

**Analysis:** The majority of respondents believe that a child should be punished for giving false information or a false complaint. This significant support may reflect a concern for the misuse of legal provisions and the potential harm caused by false

accusations. The respondents might believe that accountability, even for minors, is essential to maintain the integrity of the justice system and deter false claims.

- **Uncertain Respondents (Not Sure):**

1. Respondents: 48%
2. Percentage: 12%

**Analysis:** A considerable segment of respondents are unsure about whether a child should be punished for false information or complaints. This uncertainty could stem from the complexities involved in determining the child's intent, the potential psychological impact of punishment, and the need for a compassionate approach towards minors. These respondents might feel that each case should be considered individually, with a focus on rehabilitation rather than punishment.

- **Non-respondents (No Reply): Respondents: 40, Percentage: 10%**

**Analysis:** A notable proportion of respondents did not provide an answer. This non-response might indicate ambivalence, lack of sufficient knowledge on the subject, or reluctance to take a definitive stance on a sensitive issue involving minors. Further investigation might be needed to understand their reasons better.

- **Minority opinion (No): Respondents: 60, Percentage: 15%**

**Analysis:** A minority of respondents believe that a child should not be punished for giving false information or a false complaint. This viewpoint may be driven by a belief in the vulnerability and developmental immaturity of children, who might not fully understand the consequences of their actions.

These respondents might advocate for alternative approaches such as counseling, education, and support to address the underlying reasons for false complaints without resorting to punitive measures.

- A significant majority (63%) support the idea of punishing children for false information or complaints, indicating a strong preference for accountability and deterrence of false claims.
- A notable percentage (12%) are unsure, highlighting the complexity of the issue and the need for a nuanced approach.
- 10% did not respond, suggesting a potential area for further exploration to

understand their perspectives.

- 15% oppose the idea, emphasizing the importance of considering the child's developmental stage and advocating for non-punitive measures.

The data suggests a general inclination towards holding children accountable for false complaints, with a substantial minority expressing uncertainty or opposition, underscoring the need for a balanced approach that considers both justice and the well-being of the child.

## **7.9 Data Analysis of the questionnaire For Police Personals:**

### **(For Police officials only)**

In the course of our research on child abuse in Southern Rajasthan, a systematic approach was adopted for data collection, wherein police personnel were selected randomly for interviews and the completion of questionnaires.

This methodology was chosen to ensure a representative sample of police officials from various districts, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur.

The randomness of the selection process helped mitigate any potential biases that could have influenced the outcomes of the study, thereby enhancing the reliability and validity of the data gathered.

Police officers, due to their direct involvement in law enforcement and child protection issues, provided critical insights into the prevalence, nature, and response mechanisms related to child abuse cases in these districts.

The interview schedule and questionnaires were carefully crafted with the goal of gathering in-depth insights into the officers' experiences and perspectives. These tools were specifically designed to capture comprehensive information on how the officers perceive the current legal frameworks and interventions related to child abuse.

By doing so, the research was able to provide a detailed and nuanced understanding of the child abuse situation in Southern Rajasthan.

This data collection strategy proved to be vital in creating a thorough analysis of the issue, shedding light on both the strengths and shortcomings of the existing systems.

The insights gained from the officers' feedback not only deepened our understanding of



the child abuse landscape in the region but also played a key role in shaping more effective policies and interventions. These findings are expected to inform the development of more targeted, practical, and impactful measures to address child abuse in the future.

### 7.10 List of Select Police Stations:

The police officials were selected randomly from the following stations:

#### **Chittorgarh District**

1. Chittorgarh
2. Nimbahera
3. Badi Sadri
4. Rawatbhata
5. Begun
6. Kapasan
7. Bhadsoda
8. Parsoli
9. Gangrar
10. Dungla

#### **Udaipur District**

1. Hiran Magri
2. Surajpole
3. Ambamata
4. Ghantaghar
5. Goverdhan Vilas
6. Pratap Nagar
7. Bhopalpura
8. Savina
9. Sukher
10. Dabok

#### **11. Vallabhnagar**

12. Gogunda
13. Kherwara
14. Jhadol
15. Salumber
16. Rishabhdev
17. Lasadiya

#### **Sirohi District**

1. Sirohi
2. Abu Road
3. Pindwara
4. Reodar
5. Sheoganj
6. Mount Abu

#### **Pratapgarh District**

1. Pratapgarh
2. Arnod
3. Chhoti Sadri
4. Dhariyawad
5. Peepal Khoont

#### **Banswara District**

1. Banswara
2. Garhi
3. Ghatol
4. Bagidora
5. Anandpuri
6. Lohariya
7. Kushalgarh
8. Kalinjra
9. Sajjangarh
10. Talwara
11. Danpur
12. Arthuna

#### **Dungarpur District**

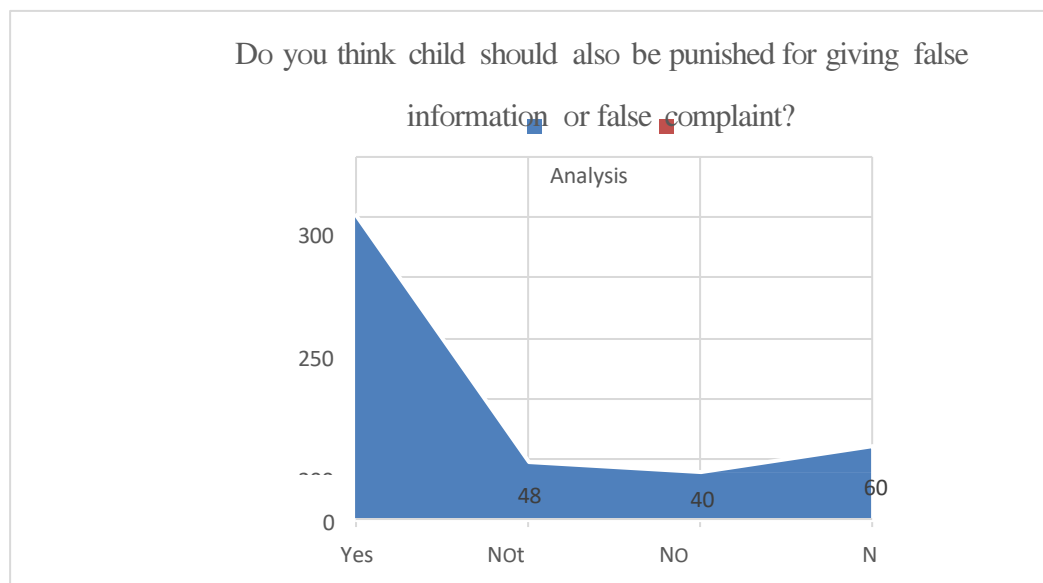
1. Dungarpur
2. Aspur
3. Sagwara
4. Simalwara
5. Bichhiwara
6. Galiakot
7. Chitri

### **Q.1 Do you believe that there is sufficient training for police officers in handling child abuse cases?**

1. Yes, there is sufficient training
2. Yes, but it could be improved
3. No, there is not enough training
4. I am unsure

<b>Reasons</b>	<b>Yes, there is sufficient</b>	<b>Yes, but it could be improved</b>	<b>No, there is not enough training</b>	<b>I am unsure</b>	<b>Total</b>
No. of Respondents	280	28	70	22	400
officers					

The data provided about respondents' opinions on whether there is sufficient training for police officers in handling child abuse cases.



#### Data overview:

Total Respondents: 400

#### Responses:

- Yes, there is sufficient training: 280
- Yes, but it could be improved: 28
- No, there is not enough training: 70
- I am unsure: 22

#### Analysis:

1. Majority opinion (Yes, there is sufficient training):

- Respondents: 280
- Percentage: 70%

- **Analysis:** The majority of respondents believe that there is sufficient training for police officers in handling child abuse cases. This suggests a general confidence in the current training programs and their effectiveness in preparing officers to handle such sensitive cases. The high percentage indicates that most respondents feel the existing training equips officers with the necessary skills and knowledge to address child abuse cases

effectively.

2. Qualified Agreement (Yes, but it could be improved):

- Respondents: 28
- Percentage: 7%

**Analysis:** A smaller segment of respondents acknowledges that while there is sufficient training, there is room for improvement. This perspective suggests that while the current training is adequate, it may benefit from enhancements such as updated methodologies, advanced training techniques, or more specialized training modules. These respondents recognize the need for continuous improvement to keep pace with evolving best practices in handling child abuse cases.

3. Dissatisfied Respondents (No, there is not enough training):

- Respondents: 70
- Percentage: 17.5%

- **Analysis:** A significant minority believes that there is not enough training for police officers in handling child abuse cases. This viewpoint highlights concerns about potential gaps in the training programs, such as insufficient coverage of critical topics, lack of practical training, or inadequate emphasis on the psychological aspects of dealing with child victims. These respondents likely advocate for a substantial increase in the depth and breadth of training provided to police officers.

4. Uncertain Respondents (I am unsure):

- Respondents: 22
- Percentage: 5.5%

- **Analysis:** A small percentage of respondents are unsure about the sufficiency of the training. This uncertainty could stem from a lack of detailed knowledge about the training programs or mixed observations regarding the performance of officers in real cases. These respondents might need more information or clearer evidence of the training's effectiveness to form a definitive opinion.

- A strong majority (70%) believe that the current training for police officers in handling child abuse cases is sufficient, indicating a high level of confidence in the existing training programs.
- A notable 7% think the training is adequate but see opportunities for improvement, suggesting a proactive approach to enhancing officer preparedness.
- 17.5% feel there is not enough training, emphasizing concerns about potential deficiencies and the need for more comprehensive training.
- 5.5% are unsure, reflecting a need for more information or clarity about the training programs and their effectiveness.

The data indicates a predominant belief in the sufficiency of current training, with a significant minority advocating for improvements or expressing concerns about inadequacy. This underscores the importance of ongoing assessment and enhancement of training programs to ensure police officers are well-equipped to handle child abuse cases effectively.

**Q.2 How satisfied are you with the responsiveness of the police when it comes to investigating child abuse cases?**

- Very satisfied
- Somewhat satisfied
- Very satisfied
- Not satisfied at all

<b>Reasons</b>	<b>Very satisfied</b>	<b>Somewhat satisfied</b>	<b>Very satisfied</b>	<b>Not satisfied at all</b>	<b>Total</b>
No. of Respondent officers	272	20	70	38	400

Sure, let's analyze the data provided about respondents' satisfaction with the responsiveness of the police in investigating child abuse cases.

Total Respondents: 400 Responses:

- Very satisfied: 272

- Somewhat satisfied: 20

**Analysis:**

- **Majority opinion (Very satisfied):**
  - **Respondents:** 272
  - **Percentage:** 68%
- Very satisfied: 70
- Not satisfied at all: 38

**Analysis:** The majority of respondents are very satisfied with the responsiveness of the police when it comes to investigating child abuse cases. This high level of satisfaction suggests that respondents believe the police are prompt, efficient, and thorough in handling such sensitive matters. The strong positive response indicates a general confidence in the police's capability to address child abuse cases effectively.

- **Minority opinion (Somewhat Satisfied): Respondents: 20, Percentage: 5%**

**Analysis:** A small segment of respondents are somewhat satisfied with the police's responsiveness. This indicates that while these respondents see the police as generally effective, there may be specific areas where they believe improvements are needed. These respondents might recognize the efforts made but also see room for enhancements in responsiveness, such as quicker response times, better communication, or more comprehensive follow-ups.

- **Significant Minority opinion (Very satisfied):**
  - **Respondents:** 70
  - **Percentage:** 17.5%

**Analysis:** This entry seems to be a duplication of the “Very satisfied” category. Assuming there was an intended distinction (e.g., “Satisfied”), it indicates that 17.5% of respondents are satisfied but perhaps not as emphatically as those who are “Very satisfied.” This group likely feels that the police are doing a good job but there could be occasional lapses or areas needing slight improvements.

- **Dissatisfied Respondents (Not satisfied at all):**
  - **Respondents:** 38
  - **Percentage:** 9.5%

**Analysis:** A notable proportion of respondents are not satisfied at all with the police's responsiveness. This dissatisfaction may stem from perceived delays, lack of thorough investigation, poor communication, or inadequate support for victims. These respondents might advocate for significant reforms and improvements in how the police handle child abuse cases.

- A strong majority (68%) are very satisfied with the police's responsiveness, indicating a high level of confidence and approval of their handling of child abuse investigations.
- A small percentage (5%) are somewhat satisfied, suggesting general approval with some reservations and areas for potential improvement.
- 17.5% are satisfied (assuming this category represents a moderate level of satisfaction), showing a positive but less enthusiastic endorsement of police responsiveness.
- 9.5% are not satisfied at all, highlighting concerns about the effectiveness and efficiency of the police in addressing child abuse cases.

The data indicates a predominant satisfaction with the police's responsiveness in child abuse investigations, with a significant minority expressing varying degrees of dissatisfaction or room for improvement. This underscores the importance of maintaining high standards while also addressing any specific areas of concern to ensure comprehensive and effective handling of such cases.

**Q.3 In your opinion, should there be increased collaboration between the police and other child welfare organizations in handling child abuse cases?**

- a) Yes, collaboration should be increased

- b) Collaboration is sufficient
- c) I am unsure
- d) No, collaboration is not necessary

Reasons	Yes, collaboration should be increased	Collaboration is sufficient	I am unsure	No, collaboration is not necessary	Total
No. of Respondent officers	280	28	70	22	400

The data provided about respondents' opinions on whether there should be increased collaboration between the police and other child welfare organizations in handling child abuse cases.

**- Total Respondents: 400**

**- Responses:**

- Yes, collaboration should be increased: 280
- Collaboration is sufficient: 28
- I am unsure: 70
- No, collaboration is not necessary: 22

**Analysis:**

1. Majority opinion (Yes, collaboration should be increased): Respondents: 280  
Percentage: 70%

- Analysis: The majority of respondents believe that collaboration between the police and other child welfare organizations should be increased. This strong support suggests a recognition of the benefits of a multi-disciplinary approach in addressing child abuse cases. Increased collaboration can enhance resource sharing, improve case management, and provide comprehensive support for victims. This majority view underscores the need for stronger partnerships to ensure more effective and holistic handling of child abuse cases.

**2. Qualified Satisfaction (Collaboration is sufficient):**

Respondents: 28  
Percentage: 7%

**Analysis:** A small segment of respondents feel that the current level of collaboration is sufficient. These respondents likely believe that existing collaborations are effective and adequate for handling child abuse cases. They might see the current arrangements as meeting the needs of the cases without the need for further enhancements.

### 3. Uncertain Respondents (I am unsure):

1. Respondents: 70
2. Percentage: 17.5%

**Analysis:** A significant portion of respondents are unsure about the need for increased collaboration. This uncertainty might stem from a lack of awareness about the current state of collaboration, limited knowledge of the potential benefits, or mixed experiences with existing partnerships. These respondents may need more information or clearer evidence of the advantages of enhanced collaboration to form a definitive opinion.

### 4. Minority opinion (No, collaboration is not necessary):

1. Respondents: 22
2. Percentage: 5.5%

- Analysis: A small minority of respondents believe that increased collaboration is not necessary. This viewpoint could arise from a belief in the sufficiency of police capabilities, concerns about bureaucratic complexities, or past experiences where collaboration might not have yielded positive results. These respondents might advocate for a more streamlined approach, relying primarily on the police to handle such cases.

- A significant majority (70%) support the idea of increasing collaboration between the police and other child welfare organizations, highlighting a strong belief in the benefits of a coordinated approach to handling child abuse cases.
- A small percentage (7%) feel that the current level of collaboration is sufficient, suggesting satisfaction with the existing arrangements.
- 17.5% are unsure, indicating a need for more information or clarity about the potential benefits of increased collaboration.
- 5.5% believe increased collaboration is not necessary, reflecting a minority view that might prefer a more centralized or simpler approach.



The data indicates a clear preference for enhancing collaboration between the police and child welfare organizations, with a notable portion of respondents either satisfied with the current state or uncertain about the need for further improvements. This emphasizes the importance of fostering strong partnerships and providing clear evidence of the benefits to encourage broader support.

**Q.4 How many cases of child abuse were registered in your police station from 2013 to 2024.**

.....

**Q.5 How much percentage of cases resolved from 2013 to 2024?**

- a) Below 25% b) 50%
- b) c) 75% d) 100%

**7.9 Data Analysis of the questionnaire For Law Practitioners: (For Lawyers only)**

**Q.1 How many cases of child abuse were deal by advocate from the year 2013- 2024?**

.....

**Q.2 How many cases of child abuse are disposed off by you?**

.....

**Q.3 Have you ever encountered a situation where you suspected an advocate of being involved in child abuse, and if so, did you report it?**

- a) Yes, I reported the suspicion
- b) Yes, but I did not report it
- c) No, I have not encountered such a situation
- d) No reply

<b>Reasons</b>	<b>Yes, I reported the suspicion</b>	<b>Yes, but I did not report it</b>	<b>No Reply</b>	<b>No, I have not encountered such a situation</b>	<b>Total</b>
No. of Respondent Lawyers	12	62	252	74	400

The data provided regarding the involvement of lawyers in reporting suspicions of child abuse:

### **Data overview**

The total number of respondents is 400, divided into four categories based on their responses:

- Yes, I reported the suspicion: 12 respondents
- Yes, but I did not report it: 62 respondents
- No, I have not encountered such a situation: 74 respondents
- No reply: 252 respondents

### **Percentage Analysis**

#### 1. Yes, I reported the suspicion

out of the 400 respondents, 12 lawyers reported that they had encountered a situation where they suspected child abuse and took action by reporting it. This constitutes 3%

of the total respondents. This small percentage indicates that a very limited number of lawyers have both encountered and reported suspicions of child abuse.

#### 2. Yes, but I did not report it

A significantly larger number of respondents, 62 lawyers, admitted to having suspected child abuse but chose not to report it. This represents 15.5% of the total respondents. This category raises concerns about barriers or challenges that prevent lawyers from reporting suspicions of child abuse, despite recognizing potential issues.

### 3. No, I have not encountered such a situation

74 respondents indicated that they have never encountered a situation where they suspected child abuse. This group makes up 18.5% of the total. This percentage might reflect the nature of the cases they handle or the environments in which they work, which may not expose them to such situations frequently.

### 4. No reply

The largest group, with 252 respondents, chose not to reply to the question. This accounts for 63% of the total respondents. The high percentage of non-responses might suggest discomfort, uncertainty, or a lack of experience regarding the issue among the majority of the lawyers surveyed.

The data reveals a troubling trend where only a small fraction of lawyers (3%) have actively reported suspicions of child abuse, while a more significant portion (15.5%) have encountered such suspicions but did not report them.

The largest group (63%) did not respond, possibly indicating a widespread hesitation or lack of engagement with the issue. Additionally, 18.5% of the respondents have not encountered situations of suspected child abuse, which may reflect the diversity of legal practice areas and environments among the respondents. Overall, this analysis highlights potential areas for improving awareness, training, and support for lawyers to ensure that suspicions of child abuse are appropriately reported and addressed.

#### **Q.4 In your opinion, how transparent is the legal profession in handling cases of child abuse involving advocates?**

- a) Very transparent
- b) Somewhat transparent
- c) Not very transparent
- d) Not transparent at all

<b>Reasons</b>	<b>Very transparent</b>	<b>Somewhat transparent</b>	<b>Not very transparent</b>	<b>Not transparent at all</b>	<b>Total</b>
No. of Respondent Lawyers	322	61	15	02	400

#### **Data overview:**

The 400 respondents are divided into four categories based on their views on the transparency of the legal profession in handling child abuse cases involving advocates. The categories range from those who strongly agree, believing in full transparency and ethical management, to those who agree with some reservations. Others disagree, citing a lack of openness and fairness, while the most critical group, who strongly disagree, believes the legal profession obscures the truth in these cases. These categories reflect varying levels of public trust in the legal system's handling of such sensitive matters.

- Very transparent: 322 respondents
- Somewhat transparent: 61 respondents
- Not very transparent: 15 respondents
- Not transparent at all: 2 respondents

#### **Percentage Analysis**

##### **1. Very transparent**

The majority of respondents, 322 lawyers, believe that the legal profession is very transparent in handling cases of child abuse involving advocates.

This constitutes 80.5% of the total respondents.

This significant majority suggests a strong confidence among lawyers in the transparency and integrity of their profession in addressing such serious issues.

##### **2. Somewhat transparent**

61 respondents indicated that they believe the legal profession is

somewhat transparent in handling these cases. This represents 15.25% of the total.

While this group recognizes a degree of transparency, it also implies that there are areas where improvements could be made to enhance the overall openness and accountability in such cases.

### **3. Not very transparent**

15 respondents, or 3.75% of the total, feel that the legal profession is not very transparent in handling cases of child abuse involving advocates.

This small percentage highlights a minority viewpoint that perceives significant deficiencies in the current system's transparency.

### **4. Not transparent at all**

only 2 respondents, making up 0.5% of the total, believe that the legal profession is not transparent at all in these matters.

This very small group represents the most critical perspective, indicating a perceived lack of openness and accountability in the legal profession's handling of child abuse cases involving advocates.

The data suggests a generally positive perception of transparency within the legal profession regarding the handling of child abuse cases involving advocates.

A substantial majority (80.5%) of respondents view the profession as very transparent, reflecting strong confidence in its processes and accountability.

However, a combined 19.5% of respondents (including those who view it as somewhat transparent, not very transparent, and not transparent at all) indicate that there is still room for improvement.

These responses point to the need for continuous efforts to enhance transparency and ensure that all cases are handled with the utmost integrity and openness.

### **Testing of Hypothesis**

### 1. Hypothesis

**1. H0.** POCSO ACT 2012 does not address the rampant Sexual abuse cases against Children in Southern Rajasthan.

**H1.** POCSO ACT 2012 addresses the rampant Sexual abuse cases against children in Southern Rajasthan.

**Table No. 7.15.1**

S.No	Types of Respondents	No. of respondents	POCSO ACT 2012 addresses Sexual abuse cases against children in Southern Rajasthan.				Total
			Respondents say Yes	%	Respondents say No	%	
1)	Rural	30	76	25.76%	22	22.95%	98
2)	Semi-Rural	40	89	30.16%	13	12.38%	102
3)	Semi-Urban	50	54	18.31%	26	24.76%	80
4)	Semi-Urban	60	37	12.54%	21	20%	58
5)	Educated	220	39	13.23%	23	21.91%	62
Total		400	295	100%	100%	100%	400

S.no.	O	E	(O-E)	(O-E) <sup>2</sup>	{(O-E) <sup>2</sup> /E}
1)	76	72.27	3.73	13.91	0.19
2)	89	75.22	13.78	189.88	2.52
3)	54	59.00	-5	25	0.42
4)	37	42.77	-5.77	33.29	0.78
5)	39	45.72	-6.72	45.15	0.99

6)	22	25.72	-3.72	13.83	0.54
7)	13	26.77	-13.77	189.61	7.08
8)	26	21.00	5	25	1.19
9)	21	15.22	5.78	33.40	2.19
	23	16.27	6.73	45.29	2.78
Total	400	Chi-Square ( $\chi^2$ ) :- $\sum \{(O-E)^2 / E\}$			18.70

Degree of Freedom = (No. of row-1) x (No. of columns-1)

$$= (5-1) \times (2-1) = 4 \times 1 = 4$$

**Table Value:** 9.49, Level of significance: 0.05%, calculated Chi Square ( $\chi^2$ )

Value: 18.70

**Abbreviations:**

O: observation Frequency

E: Expected Frequency (Row Total x Column Total / Grand

Total) (o-E) : (o-E)      (o-E)<sup>2</sup> : (o-E) x(o-E)

Chi-Square ( $\chi^2$ ) :-  $\sum \{(o-E)^2 / E\}$

On the basis of above calculation of Chi-Square ( $\chi^2$ ) value, the Hypotheses are stated as follows:

**Null Hypothesis (H0):** POCSO ACT 2012 does not address the rampant Sexual abuse cases against children in Southern Rajasthan.

**Alternative Hypothesis (H1):** POCSO ACT 2012 addresses the rampant Sexual abuse cases against children in Southern Rajasthan.

The calculated value of Chi-Square ( $\chi^2$  - 18.70) is greater than the table value of  $\chi^2$  - 0.05 (9.49). Hence, null Hypothesis (H0) is rejected and alternative Hypothesis (H1) is accepted. This is hence proved that POCSO ACT 2012 addresses the rampant Sexual abuse

cases against children in Southern Rajasthan.

**H0. Hypothesis:** Lack of legal and educational awareness does not promote child Sexual abuse cases.

**H1. Hypothesis:** Lack of legal and educational awareness promotes child Sexual abuse cases.

**Table No. 21**

S.No	POCSO ACT 2012	RESPONSES				
		Yes	%	No	%	Total
	Yes	183	65.13	35	29.42	218
	No	98	34.87	84	70.58	182
	Total	201	100	119	100	400

**Chi Square Test**

S.no.	O	E	(O-E)	(O-E) <sup>2</sup>	{(O-E) <sup>2</sup> /E}
1)	183	153.14	29.86	891.61	5.82
2)	98	127.85	29.85	891.02	6.96
3)	35	64.85	29.85	981.02	13.73
4)	84	54.14	29.86	891.61	16.48
Total	400	Chi-Square ( $\chi^2$ ) :- $\sum \{(O-E)^2 / E\}$			42.99

Degree of Freedom = (No. of Row – 1) x (No. of Column – 1)

$$= (2 - 1) \times (2 - 1) = 1 \times 1 = 1$$

Table value: 3.84, level of significance: 0.05%, Calculated Chi-Square ( $\chi^2$ )

value: 42.99

**Abbreviation:**

O: observation Frequency



E: Expected Frequency (Row Total x Column Total /

Grand Total) (o-E): (o-E) (o-E) 2:

(o-E) x (o-E)

Chi-Square ( $\chi^2$ ):  $\Sigma \{(o-E)^2 / E\}$

on the basis of above calculation of Chi-Square ( $\chi^2$ ) value, the Hypotheses are stated as follows:

**Null Hypothesis (H0):** Lack of legal and educational awareness does not promote child Sexual abuse cases.

**Alternative Hypothesis (H1):** Lack of legal and educational awareness promotes child Sexual abuse cases.

The calculated value of Chi-Square ( $\chi^2$ -42.99) is greater than the table value of  $\chi^2$ -0.05 (3.84). Hence, the Null Hypothesis (H0) is rejected and alternative Hypothesis (H1) is accepted. It means that, Lack of legal and educational awareness promotes child Sexual abuse cases.

**3. H0: Lack of proper implementation of laws is not the cause of increasing child Sexual abuse cases in India.**

**H1: Lack of proper implementation of laws is the cause of increasing child Sexual abuse cases in India.**

**Table No. 7.16**

S.No	Implementation of Laws	Do you think the improper implementation of laws is the cause of increasing child Sexual abuse cases in India?				
		Yes	%	No	%	Total
Respondents	Partial implementation	183	65.13	35	29.42	218
Respondents	Full implementation	98	34.87	84	70.58	182
	<b>Total</b>	201	100	119	100	400

\*\*The data was generated based on personal discussion on implementation of law.

S.no.	O	E	(o-E)	(o-E) <sup>2</sup>	{(o-E) <sup>2</sup> /E}
5)	183	153.14	29.86	891.61	5.82
6)	98	127.85	29.85	891.02	6.96
7)	35	64.85	29.85	981.02	13.73
8)	84	54.14	29.86	891.61	16.48
Total	400	Chi-Square ( $\chi^2$ ) :- $\Sigma \{(o-E)^2 / E\}$			42.99

### Chi Square Test

Degree of Freedom = (No. of Row – 1) x (No. of Column – 1)

$$= (2 - 1) \times (2 - 1) = 1 \times 1 = 1$$

Table value : 3.84, level of significance : 0.05%, Calculated Chi-Square ( $\chi^2$ )

value : 42.99

### Abbreviation:

O: observation Frequency

E: Expected Frequency (Row Total x Column Total /

Grand Total) (O-E): (O-E)(O-E) 2: (O-E) x (O-E)

Chi-Square ( $\chi^2$ ):  $\Sigma \{(O-E)^2 / E\}$

On the basis of above calculation of Chi-Square ( $\chi^2$ ) value, the Hypotheses are stated as follows:

**Null Hypothesis (H0):** Lack of proper implementation of laws is not the cause of increasing child Sexual abuse cases in India.

**Alternative Hypothesis (H1):** Lack of proper implementation of laws is the cause of increasing child Sexual abuse cases in India.

The calculated value of Chi-Square ( $\chi^2$ -42.99) is greater than the table value of  $\chi^2$ -0.05 (3.84).

Hence, the Null Hypothesis (H<sub>0</sub>) is rejected and alternative Hypothesis (H<sub>1</sub>) is accepted.

Hence, Lack of proper implementation of laws is the cause of increasing child Sexual abuse cases in India.

### **Future Enhancement**

The research titled *Sexual Abuse of Children in India: A Study of Child Protection Laws with Special Reference to Southern Rajasthan* can be further extended by incorporating additional attributes to provide a more comprehensive understanding of the issue. This study focused on the districts of Southern Rajasthan, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur. While the existing research highlights the correlation between low literacy rates and the prevalence of child Sexual abuse, adding further dimensions such as socio-economic conditions, cultural practices, and access to legal and medical services can offer a more nuanced analysis.

For instance, examining how poverty and traditional gender roles contribute to the vulnerability of children in these districts can provide deeper insights into the root causes of abuse.

Additionally, assessing the availability and effectiveness of local law enforcement and judicial processes in these regions will shed light on the practical challenges in implementing the Protection of Children from Sexual offences (POCSO) Act, 2012, and other relevant child protection laws.

Another critical attribute to consider is the role of community-based organizations and non-governmental organizations (NGOs) in these districts. Evaluating their contributions towards raising awareness, providing support to victims, and advocating for policy changes can highlight successful intervention strategies that could be replicated elsewhere.

Furthermore, the impact of digital literacy and access to technology in remote areas of Southern Rajasthan could be explored to understand how

these factors influence both the incidence of abuse and the dissemination of preventive education.

By integrating these additional attributes into the research, a more holistic picture of the factors contributing to child Sexual abuse in Southern Rajasthan can be developed. This approach not only enhances the academic rigor of the study but also provides valuable recommendations for policymakers, educators, and activists aiming to combat child Sexual abuse. Ultimately, the expanded research will contribute to more effective and culturally sensitive strategies for protecting children and promoting their rights, aligning with the broader objectives of Indian child protection laws in 2024 and beyond.

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# CHAPTER VIII

## CHAPTER VIII

# FINDING, CONCLUSION, AND SUGGESTIONS

- 8.1 The specific objectives of the study are the following:
- 8.2 Main Findings
- 8.3 Consequences of Physical Abuse on Children: Health, Education, and
- 8.4 Significant Associations Identified in Chi-Square Tests  
for Physical Abuse
- 8.5 Types of Sexual Abuse Experienced by Victims
- 8.6 Reporting of Sexual Abuse among Children and its  
Implications According to Indian Law in 2024:
- 8.7 Limitations of the Present Study
- 8.8 Suggestions Proposed
- 8.9 Recap
- 8.10 Point Wise Major Findings
- 8.11 Conclusion
- 8.12 Suggestions
- 8.13 Suggestions for the Government Taken During Informal Interviews
- 8.14 Scope for Future Research Study

In India, child abuse has long been ignored and treated as a private family matter or a way to discipline children. As a result, it has not been recognized as a social problem, and the true extent of the issue is unknown. Official statistics from police and court records are few and likely only show a small part of the problem. Therefore, data from surveys and research studies are needed to understand and estimate the full extent and impact of child abuse, as well as its causes and consequences.

Meanwhile, the victimized child suffers four times over: when the act is committed, while narrating the incident, during the medical examination, and then in court. To advance the issue of child protection, there is a need to create an enabling environment through legislation to address child abuse, develop a policy on child protection, formulate interventions and outreach services, allocate sufficient budgetary resources, and establish an information base on child abuse and protection.

For all these activities, the government, policymakers, researchers, and administrators need comprehensive data on the problem. Child abuse is often

shrouded in secrecy, not always reported or acknowledged, and has emerged as a critical issue in contemporary times. Thus, studies like the present one are essential to understand the extent and magnitude of the problem at a micro level. While most research on this issue has been conducted in Western countries, little attention has been paid by researchers in India. As a result, child abuse has yet to be fully exposed and recognized as a social problem, remaining viewed primarily as a personal or family issue.

A review of the existing and limited literature on child abuse in the Indian context reveals a persistent story of neglect and abuse for various reasons in different situations. However, there are significant gaps in these studies. For example, earlier findings are not suitable for empirical scrutiny, and broad generalizations cannot be made because they covered only a limited sample of observations. Additionally, these studies did not address important factors such as family structure and the socio-economic characteristics of parents who abused or neglected children. They mainly focused on one or two aspects of abuse, ignoring other forms, which results in an inadequate understanding of the causative and aggravating factors within families. To gain comprehensive knowledge, we need studies based on large samples that cover all forms of child abuse and neglect across different communities, including tribal, rural, and urban areas. It is precisely within this context that the present study was initiated, aiming to fill these gaps and provide a more complete picture of child abuse and neglect in India.

### **8.1 The specific objectives of the study are the following:**

The study aims to examine the profile of abused children and the social and economic circumstances leading to their abuse in the study area, as well as to assess the magnitude, forms, and dimensions of abuse and neglect experienced by these children.

The objectives include determining the association between selected background characteristics and child abuse, exploring the causes and consequences of the problem, and suggesting suitable strategies and interventions for its prevention. The logistics of the present research operation necessitated that the study be conducted exclusively within a single district in the state of Southern Rajasthan, India. This approach enabled the researcher to comprehensively

cover all three prominent areas: tribal, rural, and urban. To achieve this, districts in Southern Rajasthan, such as Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur, were purposefully selected due to their diverse populations that encompass tribal, rural, and urban communities. By employing a multistage purposive sampling design strategy, the researcher was able to include a total sample of 400 respondents, effectively representing the varied demographic segments of these regions.

Considering the sensitivity of the theme, various child-friendly tools were utilized for data generation to create a supportive and comfortable environment for children. These tools aimed to ensure that children could respond with ease and openly share their experiences and any agonies they might be facing. By fostering such an environment, the researcher aimed to encourage children to discuss different forms of abuse they may be experiencing in their families, neighbourhoods, and schools. The approach was designed to be non-threatening and reassuring, helping children feel safe and understood while they conveyed their stories and concerns. This methodology was crucial in obtaining genuine and honest insights from the children, enabling the researcher to gain a comprehensive understanding of the various forms of abuse affecting them in their everyday lives.

## **8.2 Main Findings**

The main findings that emerged from the study are as follows:

### **1. Profile of the Studied Children**

- of the children in the districts under study, 42.5% were from rural pockets, 36.3% were from urban pockets consisting of various cities, and the remaining 22.2% were from the tribal belt.
- The mean age of the children came to 11.8 years within the age range of 5 to 18 years.
- of the children studied, Hindus constitute 76.3 per cent. Christians

13.3 per cent and the rest 10.4 percent are Muslims. of the Hindus,

40.1 per cent belonged to forward castes, 28.7 per cent to



backward castes and the rest 31.2 per cent to scheduled castes and tribes.

- of the participants in the survey, 77.8% were enrolled in different educational institutions, while the remaining 22.2% had not attended any school for a variety of reasons.
- The respondents' parents' average family income came to Rs.26,083 per month within the range of Rs.6000 to Rs.48,000+.
- of the children, 34.2% come from a low socioeconomic background, 55.9% come from a middle class background, and the remaining 13.9% come from a wealthy family.
- The average number of children in the families of our respondents was 2.2. Their family consisted of 4.5 people on average.
- of all children, only 29.5 percent were never abused, compared to 71.0 percent who experienced abuse in one way or another.
- of those ever abused children, 40.4 percent were physically abused,
 

19.1 percent were Sexually abused, 20.1 per cent were emotionally abused and the rest 24.4 percent were the neglected and discriminated lot. There emerged significant and positive association between respondent's sex and their abuse as revealed by Yules coefficient of association test.
- our chi-square test of significance also showed a significant correlation between the sexes of the respondents and their experiences with all four types of abuse.
- Analysis of variance and multiple classification analysis further revealed that respondent's family size, their level of schooling and their birth order had a regulatory effect on the neglect and abuse of the respondents studied.

## **2. Physical Abuse**

- of the total 264 ever abused children, 38.4 percent have experienced physical abuse and of them, 62.4 percent were the boys and 37.6 per cent were the girls.

- There was a significant difference in victimization rates based on residence, with rural children being the most affected, urban children the least, and tribal children falling somewhere in between. This disparity highlights the varying degrees of vulnerability among children from different backgrounds, suggesting that rural children face higher risks of victimization compared to their urban counterparts, while tribal children experience levels of victimization that are intermediate between the two.
- The observed data indicates a higher incidence of physical abuse within the age group of 9 to 14 years. This troubling trend appears to be more acute among individuals from backward castes. Conversely, when examining the forward castes and scheduled castes and tribes, the incidence rate remains relatively consistent. These findings highlight a significant disparity in the prevalence of physical abuse, suggesting that socio-economic factors linked to caste status may play a crucial role in the vulnerability of certain age groups to such abuse.
- The data reveals a significant association between the schooling status of children and their exposure to physical abuse. Irrespective of sex, the majority of the victims were attending school, contrasting with those not attending school at all. This suggests that children enrolled in educational institutions are more frequently subjected to physical abuse. Additionally, the analysis indicates that the parents' level of education is inversely related to the likelihood of their children experiencing physical abuse. In other words, higher educational attainment among parents is linked to a lower incidence of physical abuse in their children. These findings underscore the complex relationship between education and abuse, highlighting the protective role of parental education and the vulnerabilities faced by school-going children.

Similarly, parents' monthly income is inversely associated with the

incidence of physical abuse of their children, indicating that lower family income correlates with higher rates of abuse. The data also shows a negative association between the social class of the respondents' families and the occurrence of physical abuse, with lower social classes experiencing more abuse. However, there is a positive association between the number of siblings in a family and the likelihood of physical abuse, suggesting that children from larger families are more at risk. This trend is consistent regardless of the child's sex, with most physically abused children belonging to higher birth order categories. The majority of these abuse incidents (67.4 percent) occurred at home, followed by schools and then the neighbourhood. Furthermore, 67.3 percent of the victims reported experiencing abuse regularly or frequently.

Among the majority of physically abused children, a significant 55.4 percent of the perpetrators were their own parents, followed by a smaller proportion of abusers including siblings, teachers, and neighbours. For 41.7 percent of these victims, the primary reason cited for the physical abuse was the desire of the abusers to maintain discipline and control the children's behaviour. This intention to enforce discipline was the most common justification for the abuse, overshadowing other factors such as the stresses and strains faced by the parents, instances of parental disorganization, and minor quarrels among children. The data reveals a troubling pattern where the role of the parents as the main perpetrators of abuse is closely tied to their perceived need to discipline their children, reflecting broader issues of family dynamics and the challenges of managing behaviour within the household.

### **8.3 Consequences of Physical Abuse on Children: Health, Education, and Emotional Well-being**

The victims of physical abuse identified a range of severe consequences resulting from their experiences, which they ranked in order of impact. The most significant effect was on their health, followed by negative repercussions on their educational performance and personality development. In addition to these tangible outcomes, the emotional stresses and strains of the abuse manifested in feelings of fear, anger, frustration, aggressiveness, and insecurity. These effects underscore the multifaceted harm inflicted by physical abuse, which not only damages the physical and academic aspects of a child's life but also deeply affects their emotional

well- being and personal growth.

#### **8.4 Significant Associations Identified in Chi-Square Tests for Physical Abuse**

our chi-square tests of significance revealed several categorically significant associations between physical abuse and various demographic factors, independent of the respondent's sex. Specifically, the analyses demonstrated significant relationships between physical abuse and respondents' residence, age, parents' income, social class, and birth order. These findings indicate that these demographic variables play a notable role in the occurrence of physical abuse, highlighting the importance of considering these factors when addressing and preventing abuse. However, there emerged no significance between caste background and physical abuse of our respondents

### **3. Sexual Abuse**

- of the 263 children who had experienced abuse in the study, only 17.1% were identified as victims of Sexual abuse. Among these Sexually abused children, 77.8% were girls, while the remaining 22.2% were boys.
- Age-wise, the majority of Sexually abused children in the study (62.2%) were between 13 and 18 years old. of these victims, 42.2% resided in urban areas, 40.0% belonged to scheduled castes and tribes, and 64.4% were currently attending school. Additionally, 40.0% of the Sexually abused children came from affluent social backgrounds.
- In the study of Sexually abused children, it was found that 36.6% of the abuse cases occurred on school premises, while 32.3% took place at the children's own homes. The remaining instances of abuse were reported to have happened in the children's neighbourhood localities or at various other locations.
- The study revealed that 57.6% of Sexually abused children identified their peers from schools and neighbourhoods as the perpetrators of abuse. Following this group, the perpetrators were most commonly close relatives, teachers, and family members, respectively.

### **8.5 Types of Sexual Abuse Experienced by Victims**

The study on Sexual abuse victims revealed various forms of abuse experienced by the children. Specifically, 26.7% of the victims endured inappropriate touching and fondling of their bodies, while 22.2% were coerced into exhibiting their private body parts. Another 22.2% were forced to participate in Sexually stimulating acts, and 17.8% suffered from forceful kissing. The remaining 11.1% experienced Sexual harassment in different forms.

### **8.6 Reporting of Sexual Abuse among Children and its Implications According to Indian Law in 2024:**

The reporting of Sexual abuse among children remains a critical issue in India, with profound legal and social implications that reflect both progress and ongoing challenges in safeguarding vulnerable populations. As of 2024, Indian law provides a structured framework for addressing child Sexual abuse through the Protection of Children from Sexual offences Act (PoCSO Act), 2012, which has undergone several amendments to strengthen its provisions. According to the PoCSO Act, there is a legal obligation for individuals to report incidents of child Sexual abuse, and failure to do so can result in legal consequences. However, a recent study reveals that a significant majority of Sexually abused children, 71.1%, did not disclose their abuse to any authorities, while only 28.9% reported the incidents to their parents. This underreporting highlights a critical gap in the implementation of legal protections and underscores the challenges inherent in encouraging disclosure. Among those who did not report, 62.5% perceived the abuse as inconsequential, while 37.5% were paralyzed by fear of the consequences of reporting.

### **4. Emotional Abuse**

In recent research examining the landscape of child abuse, a notable focus has been placed on emotional abuse, a form of maltreatment that often escapes the public eye yet holds profound implications for child welfare. of the 263 children identified

as having been abused, 22.1% were victims of emotional abuse, a statistic that reveals the substantial presence of this issue within the broader context of child maltreatment. Among these emotionally abused children, the gender distribution shows that 51.7% were girls and 48.3% were boys, indicating a relatively balanced impact across genders but still necessitating targeted interventions. The

study further delineates that a majority of these victims were from rural areas, reflecting a geographical disparity in the prevalence of emotional abuse, with a significant concentration of cases among children aged 9 to 14 years. This age group is particularly vulnerable as it encompasses critical developmental stages where emotional well-being is crucial.

Additionally, the study reveals that a significant portion of these emotionally abused children came from backward castes, highlighting an intersection of socio-economic and cultural factors that exacerbate their vulnerability. The data also shows that most of the victims were school-going children, suggesting that educational settings may be both a site and a reflection of broader socio-economic challenges. Moreover, these children were predominantly from middle-class families with more than three children, pointing to the complexities of family dynamics and resource allocation that may influence the prevalence and recognition of emotional abuse.

### **5. Neglect and Discrimination**

The investigation into child abuse reveals a concerning dimension of neglect and discrimination, as evidenced by recent findings from a study of 263 ever-abused children. This study identified that 22.4% of these children fell into the category of neglect and discrimination, a significant proportion that highlights the prevalence of these often-overlooked forms of maltreatment. Within this subgroup, there was a striking gender disparity, with 79.7% of the victims being girls, compared to 20.3% who were boys. This pronounced imbalance indicates that girls are disproportionately affected by neglect and discriminatory practices, which raises critical questions about the systemic factors that contribute to this gendered dimension of child abuse.

These findings are particularly relevant in the context of evolving Indian child protection laws, which have increasingly addressed various forms of abuse through legislative reforms. The Protection of Children from Sexual offences (PoCSO) Act, 2012, and its 2024 amendments represent a significant advancement in legal frameworks aimed at safeguarding children from Sexual abuse. However, the scope of the PoCSO Act primarily focuses on Sexual offenses, and while it has been expanded to include more comprehensive protections for children, the issue of neglect and discrimination remains a critical area for further legal and

policy development.

The study's results underscore a need for a more inclusive approach within child protection laws that addresses not only Sexual abuse but also the pervasive issues of neglect and discrimination. Neglect, as defined in various child welfare frameworks, encompasses a failure to meet a child's basic needs, including emotional support, proper care, and access to education. Discrimination, on the other hand, involves unequal treatment based on gender, socio-economic status, or other factors that affect a child's opportunities and well-being. The fact that a significant majority of children experiencing neglect and discrimination are girls suggests a gendered dimension of abuse that merits specific attention in legal and policy frameworks.

Finally, a significant number of these children were in high birth orders, suggesting that their position within larger families might increase their likelihood of experiencing neglect and discrimination due to the challenges of managing numerous siblings. These factors collectively illustrate the complex interplay of socio-economic and familial influences that contribute to the neglect and discrimination faced by these children.

- It was to a surprise that as many as 69.5 per cent of these victims reported that their own homes were the places for their suffering.
- To 59.3 per cent of these victims their parents were the perpetrators.
- Nearly a third (30.5%) of respondents felt that their parents paid less attention to their health, clothing, and education compared to their siblings. Additionally, 25.4% believed that their parents were taking sides, 17.0% felt they were often compared unfavourably with their siblings, and 13.6% thought they were given less food than their siblings.

The findings from our Logistic Regression analysis revealed that factors such as the respondent's age, social class, birth order, parents' income, and family size significantly contribute to explaining and determining the neglect and discrimination of children.

The present study underscores the profound influence of ecological, demographic, social, and psychological characteristics on child abuse and

neglect. The findings highlight the adverse consequences of child abuse on the cognitive, motivational, and behavioural functioning, as well as the personality development of children. These conclusions are supported by a vast body of empirical studies and theoretical evidence, establishing a robust conceptual and theoretical framework for understanding the phenomenon of child abuse and its repercussions. Researchers have conceptualized child abuse and neglect as a socio-psychological phenomenon deeply embedded within the dynamics of family, social, and cultural contexts, with multiple causative roots. To analyse and explain this issue, various macro-level (sociological) and micro-level (psychological) theories have been proposed, which were extensively discussed in Chapter 2. The findings of the current study align with several macro- sociological theories, such as cultural explanations, structural characteristics of the family, strain theory, and deterrence theory. For instance, our results indicate that different forms of child abuse and neglect are reported at varying rates across different societal strata, supporting the Cultural Explanation approach, which posits that violence is an accepted and encouraged form of cultural expression in society. This cultural acceptance of violence contributes to criminal violence rates within families and society (Tolan and Gwerra, 1998). The aggression and violence observed in homes reflect society's tolerance for aggression (Wyatt, 1994). Additionally, family structure can sometimes predispose individuals and families to violence (Brinkerhoff and Lupri, 1988). The interaction patterns within large families with more children, which cause tension and emotional insecurity, can lead to volatile family relationships. our findings clearly support the notion that the family environment and its structural features are associated with child abuse and neglect.

In the context of Indian law in 2024, the study's findings have significant implications. Indian laws, including the Juvenile Justice (Care and Protection of Children) Act and the Protection of Children from Sexual offences (PoCSO) Act, aim to protect children from abuse and neglect. However, the study suggests that beyond legal frameworks, there is a critical need for socio-cultural interventions that address the underlying factors contributing to child abuse and neglect. The Indian legal system must not only enforce laws but also promote awareness and education about the detrimental effects of child abuse.



Additionally, policies should focus on family support systems to mitigate stress and emotional insecurity within families, thereby reducing the risk of child abuse and neglect. The integration of sociological and psychological insights into policy-making can enhance the effectiveness of legal measures in protecting children and fostering a safer and more supportive environment for their development.

The results of our study indicate that the issue of child abuse and neglect is predominantly found in families with low-caste and low socio-economic status. This finding aligns with strain theory, which posits that higher rates of child maltreatment are prevalent among low-income families and those associated with a disadvantaged social class background (Limber and Nation, 1998). Furthermore, our study is supported by Deterrence Theory, also known as control theory (Gibbs, 1975), which emphasizes the role of formal social controls. It suggests that parents are more likely to abuse their children when there are insufficient legal structures to prevent loss of control. The cultural acceptance of parent-to-child violence blurs the line between legitimate discipline and child maltreatment, underscoring the need for mandatory reporting laws and heightened public awareness to save children from abusive families and prosecute abusive parents (Besharov, 1996).

This perpetuation of violence from one generation to another, often described as "like father, like son" or "like mother, like daughter," highlights the process of modeling, where individuals learn social and cognitive behaviors by observing and imitating others. Our findings reveal that incidences of child abuse and neglect are at epidemic levels in the studied district of Visakhapatnam in Andhra Pradesh, severely impacting the short- and long-term development of a significant number of children. This urgent situation necessitates immediate preventive efforts and the design of intervention programs for both prevention and promotion of child welfare.

In the context of Indian law in 2024, these findings have profound implications. Despite the presence of robust legal frameworks such as the Juvenile Justice (Care and Protection of Children) Act and the Protection of Children from Sexual offences (PoCSO) Act, there is a pressing need for socio-cultural interventions that address the root causes of child abuse and neglect. The Indian legal system must enforce these laws effectively while also

promoting awareness and education about the detrimental effects of child abuse. Policies should focus on strengthening family support systems to reduce stress and emotional insecurity within families, thereby mitigating the risk of child abuse and neglect.

Moreover, the implementation of mandatory reporting laws and public awareness campaigns is crucial to increasing societal pressure to protect children from abuse and hold abusive parents accountable. The findings of our study, which highlight the epidemic nature of child abuse in specific districts, provide valuable insights for policymakers and administrators engaged in child welfare and development. By integrating sociological and psychological perspectives into policy-making, India can enhance the effectiveness of legal measures, fostering a safer and more supportive environment for children's development.

### **8.7 Limitations of the Present Study**

The study is not free from its own limitations. These limitations are as follows:

1. The sample size and sub-sample sizes in this study are quite limited, which means they are unlikely to represent the full range of abuses children suffer. Consequently, the findings may not be suitable for broad empirical generalizations and are instead restricted to the specific sample under study.

2. The study is limited by the considerable difficulty of thoroughly distinguishing the antecedent conditions, correlates, and effects of all forms of abuse. Moreover, due to the cross-sectional nature of this study, it is not possible to examine the long-term impacts and effects of the various forms of abuse and neglect on the children studied.

3. In the present study, interviewing the perpetrators of abuse and other relevant stakeholders to elicit their opinions was not attempted due to constraints such as limited time, budget, personnel, and resources.

4. Although the study delved into some details regarding the impact of abuse on children, many other aspects of this impact were not covered or assessed through further probing.

Future researchers interested in this area must design their studies to overcome the limitations identified in the current research. While assessing and evaluating the scientific rigor of this study, it is crucial to consider its

constraints. Despite these limitations, this empirical study has unequivocally established that child abuse and neglect are prevalent in our country, with incidence rates significantly higher than commonly perceived. Additionally, the study has provided a valuable information base that can aid the government in formulating legislation, schemes, and interventions to address the problem. The study emphasizes that the primary responsibility for protecting children from abuse and neglect lies with families or primary caregivers. However, communities, civil society, and all other stakeholders also share this responsibility. Ultimately, the overarching duty falls on the state, which must create a protective environment and provide a safety net for children in vulnerable and exploitative situations. In light of these findings, and with special reference to Indian law in 2024, it is imperative that policymakers and legislators take decisive action to enhance child protection frameworks. The study's recommendations aim to address child abuse and neglect within Indian families effectively, ensuring that legal and social measures are robust and comprehensive.

### **8.8 Suggestions Proposed**

**1) Policy and Legislation:** There is a pressing need for the introduction of a National Legislation dedicated specifically to addressing child abuse. This proposed legislation should encompass a broad spectrum of issues, including all forms of Sexual abuse such as commercial Sexual exploitation, child pornography, and grooming for Sexual purposes. It must also address physical abuse, including corporal punishment and bullying, as well as economic exploitation, child trafficking, and the sale and transfer of children. An effective legislative framework must include mechanisms for reporting abuse and delineate the responsibilities of individuals in positions of authority and trust. This necessity is underscored by the fact that over 80% of child respondents do not report instances of Sexual abuse, and it is evident that a significant proportion of abusers are individuals within the family or those in positions of trust and authority. Therefore, any new legislation must tackle these critical issues to ensure the protection of children and establish a robust system for safeguarding their rights. This approach aligns with contemporary needs and challenges in child protection and reflects a commitment to addressing the shortcomings of existing policies and legal

frameworks in India.

2) **Protocols:** To elevate the standards of care and establish a protective environment for children across the country, there is a critical need to develop standardized protocols for child protection mechanisms at the district, block, and village levels. These protocols must clearly define the roles and responsibilities of individuals and agencies involved in child protection, ensuring a cohesive and coordinated approach to safeguarding children's rights and well-being. The development of such protocols should encompass a comprehensive framework for effective child protection service delivery, including preventive measures, statutory interventions, care, and rehabilitation services tailored to the needs of children. To achieve these goals, it is essential to implement a robust community-based monitoring mechanism that ensures accountability at various levels of the child protection system. This mechanism should be grounded in performance indicators that assess the quality of services provided and the extent to which these services foster a child-friendly environment. By setting clear standards and procedures for service delivery and establishing rigorous monitoring practices, we can ensure that child protection efforts are not only effective but also sustainable in the long term. Such an approach is crucial for addressing current gaps in the child protection system and for creating a safer, more supportive environment for all children.

3) **Scheme on Child Protection:** Historically, child protection in India has been addressed in a fragmented and slow-moving manner, characterized by minimal resource allocation that reaches only a small fraction of children facing difficult circumstances. The results of recent studies underscore the urgent need for the implementation of a comprehensive national scheme designed to systematically address the multifaceted issues of child protection. Such a scheme should be developed to identify vulnerable families and children, work proactively to prevent vulnerabilities, and provide essential services to those in need. In particular, this national scheme should enhance and expand upon the statutory support services established under the Juvenile Justice (Care and Protection of Children) Act, 2000, which aims to offer care and protection for children in need and those in conflict with the law. With the introduction of adequate financial and human resources, the proposed scheme should focus on creating

a robust protective environment for children through the development of strong service delivery mechanisms, comprehensive outreach services, and effective interventions. This initiative should align with the updates to Indian child protection laws anticipated in 2024, which emphasize a more integrated and resource-intensive approach to safeguarding children's rights and well-being. By establishing a well-funded and coordinated national framework, this scheme can address existing gaps in the child protection system, promote preventative measures, and ensure that support services reach all children who require care and protection, thereby fostering a safer and more supportive environment for children across the country.

**4) Outreach and Support Services:** A recent study has revealed that the majority of abuse cases occur within the family environment, with the perpetrators often being close family relatives. In India, where child abuse remains a critical issue, the legal framework has been evolving to address these concerns. The Protection of Children from Sexual offences (PoCSO) Act, 2012, is a comprehensive law designed to protect children from offenses such as Sexual abuse, Sexual harassment, and pornography. This legislation mandates stringent punishment for offenders and provides a child-friendly mechanism for reporting, recording evidence, investigation, and speedy trial of offenses through designated Special Courts. Despite the legal provisions, a child who has been abused or continues to be in an abusive situation requires a variety of services. These include professional help in the form of trauma counselling, medical treatment, police intervention, and legal support. To effectively implement these services, a robust system should be established under the scheme on child protection. Moreover, the existing Childline service, which provides emergency

outreach services to children in difficult circumstances, should be expanded. Childline, operating under the Ministry of Women and Child Development, is a crucial helpline that offers 24x7 emergency assistance to children in distress. Expanding this service would ensure that more children across the country have access to immediate support and intervention, thereby strengthening the protective environment envisioned by Indian law for safeguarding children from abuse in 2024 and beyond.

**Shared Responsibility:** Child protection is a shared responsibility, and for any

intervention to be effective in India, there must be a synergy between the efforts made by different stakeholders to address the issues. The Protection of Children from Sexual offences (PoCSO) Act, 2012, along with other legal frameworks like the Juvenile Justice (Care and Protection of Children) Act, 2015, underscores the need for coordinated efforts in safeguarding children. To enhance the effectiveness of these laws, it is crucial to create mechanisms that foster synergy among various stakeholders. Such mechanisms should operate at multiple levels, including village, block, district, and state levels, and involve a diverse range of participants. These participants include parents, elected representatives of urban and rural local bodies, teachers, anganwadi workers, medical practitioners, police, social workers, and responsible members of the public. By engaging these stakeholders, a comprehensive and integrated approach to child protection can be achieved, ensuring that children receive timely and appropriate intervention and support. The establishment of these multi-level child protection mechanisms will not only reinforce the existing legal framework but also create a more responsive and resilient system to protect children from abuse in 2024 and beyond. This integrated approach aligns with the vision of Indian law, which emphasizes the importance of community involvement and inter-sectoral collaboration in addressing child abuse effectively.

**6) Capacity Building:** The formulation of a new policy, legislation, and schemes for child protection in India, alongside the strengthening of service delivery mechanisms, hinges on the creation of a cadre of trained personnel who are sensitized to child rights and the protection of children. In the first instance, it is imperative that Schools of Social Work and universities offer specialized courses on child rights, protection, and counselling to cultivate this cadre.

This educational initiative should extend to integrating child rights and protection issues into the curricula of administrative institutes, police training academies, law colleges, medical colleges, and teacher training schools. By embedding these subjects into the core training of future professionals, we ensure that those graduating from these institutions possess both the sensitivity and knowledge required to address child abuse effectively. According to the Protection of Children from Sexual offences (PoCSO) Act, 2012, and other relevant Indian laws, such an approach is essential for building a competent

workforce capable of implementing child protection measures robustly.

Parents and caregivers, who are primarily responsible and accountable for the safety and security of children, also play a crucial role in this ecosystem. However, studies indicate that parents often fall short of these expectations, highlighting a gap in parenting skills and awareness regarding child Sexual abuse. To bridge this gap, it is necessary to enhance parents' and caregivers' skills, knowledge, and sensitivity toward child protection. This can be achieved through targeted training programs, workshops, and awareness campaigns designed to equip them with the tools needed to handle situations of child abuse effectively.

Moreover, the results of various studies underscore the importance of a well-coordinated effort among different stakeholders, including law enforcement, educators, medical professionals, and social workers, to create a protective environment for children. The integration of these elements into a cohesive policy framework, supported by a trained and sensitized cadre of professionals, is vital for the effective implementation of child protection laws in India. This comprehensive approach aligns with the goals of Indian law for child abuse prevention in 2024 and beyond, emphasizing the need for an interdisciplinary and community-focused strategy to safeguard children's rights and well-being.

**Gender Equity:** Equity can be achieved when social norms ensure that the girl child lives in a non-abusive environment where she is cared for and respected. In India, gender discrimination against females manifests in various detrimental ways, including lower school enrolment, higher levels of malnutrition, trafficking for Sexual exploitation, child marriage, and exclusion from family decision-making processes. Addressing these imbalances necessitates significant attitudinal changes regarding the value of the girl child. The empowerment of adolescent girls is crucial, and this can be accomplished by making them aware of their rights, educating them on abuse, and instilling essential life skills such as knowledge of childbirth, child-rearing practices, HIV/AIDS prevention, and personal hygiene. Strengthening the adolescent girl component of the Integrated Child Development Scheme (ICDS) is vital in this context.

Under Indian law, specifically the Protection of Children from Sexual

offences (PoCSO) Act, 2012, and the Prohibition of Child Marriage Act, 2006, there are stringent measures in place to protect girls from abuse and exploitation. However, effective implementation requires a multi-faceted approach involving government, NGOs, and civil society. These stakeholders must work collaboratively to instill positive norms and values through advocacy, communication strategies, and campaigns utilizing electronic, print, and folk media. Open discourses on gender equity, with the involvement of public figures, can further promote these changes.

The focus should be on eliminating discrimination and abuse of girls by creating widespread awareness of existing legislation and the rights of the girl child. Initiatives should include comprehensive education programs and community engagement to shift public perceptions and practices. For instance, programs that educate communities about the legal protections under PoCSO and the Prohibition of Child Marriage Act can help reduce incidences of abuse and early marriage. Additionally, integrating discussions on gender equity into school curricula and community forums can foster an environment where the girl child is valued and protected. By addressing the root causes of gender discrimination and promoting the empowerment of girls, India can create a more equitable and just society, ensuring that every girl child has the opportunity to thrive in a safe and supportive environment in 2024 and beyond.

**8) Advocacy and Awareness:** The media plays a pivotal role in spreading awareness about child rights and enhancing public knowledge and sensitivity on child protection issues. In India, leveraging the media for this purpose can significantly contribute to the enforcement of laws like the Protection of Children from Sexual Offences (PoCSO) Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015. Regular features on electronic media, such as debates and discussions with the active participation of children, can serve to inform and educate the public about the importance of child protection. However, it is crucial that media coverage adheres to high ethical standards to protect the identity and well-being of child victims. Disclosure of a child's identity can lead to further trauma and re-victimization, which is why maintaining confidentiality is imperative.

Ethical reporting should include obtaining the consent of the child before any coverage, ensuring that the child's rights and dignity are preserved. These



practices help to mitigate the stigma associated with abuse and prevent the sensationalisation of sensitive issues. The Ministry of Information and Broadcasting, along with media self-regulatory authorities, must take proactive steps to develop and enforce these ethical standards. This includes creating guidelines that media professionals can follow to ensure responsible reporting.

In the context of Indian law, such measures align with the guidelines set forth by the National Commission for Protection of Child Rights (NCPCR), which emphasize the need for sensitive and ethical handling of child-related issues in the media. Implementing these standards will protect children from the negative repercussions of media exposure and promote a more informed and compassionate public discourse on child protection. By fostering an ethical media environment, India can enhance its efforts to safeguard children and uphold their rights as enshrined in the country's legal framework in 2024 and beyond. This integrated approach, combining legal enforcement with ethical media practices, is essential for creating a supportive and protective environment for children.

This chapter attempts to present conclusions based on the previous chapters. Suggestions and recommendations are made for the security and future viability of child Sexual abuse. A study of child protection laws with special reference to Southern Rajasthan research was conducted using primary and secondary sources.

The information thus provided was segregated according to different socioeconomic parameters and the results were analysed both in tabular and graphical form. Based on the analytical tools, conclusions were drawn for different separations. These conclusions formed the basis for researcher to achieve his research goals.

### **8.9 Recap**

The analysis of Sexual abuse crimes in the districts of southern Rajasthan, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur, reveals that the incidence rates are significantly lower than the state average. However, this observation is overshadowed by the fact that these districts have alarmingly low literacy rates, with a negligible number

of literates considering the total population. The demographic findings regarding Rajasthan and India, with a particular focus on Sexual abuse, underscore that public awareness in these districts of southern Rajasthan has scarcely improved over time. Awareness about child Sexual abuse is significantly below the national average, providing strong and irrefutable evidence of widespread ignorance in the region.

In environments where ignorance prevails, social and economic maladies such as poverty, disease, and crime find fertile ground, severely impacting the quality of life. The socio-economic conditions in southern Rajasthan are notably below acceptable standards, and the residents' reluctance to embrace modern ways of life exacerbates their plight. The persistence of poverty, ignorance, and disease creates a vicious cycle that further degrades the community's standard of living.

To halt this deterioration and prevent potential destruction, education must play a pivotal role, particularly in raising awareness about child Sexual abuse. This form of education can serve as a catalyst for social and economic emancipation. Emphasizing the importance of education as a beacon of hope, it is crucial to improve the quality of life in southern Rajasthan by fostering greater awareness and understanding of child Sexual abuse. The study's rationale is validated by these conclusions, which highlight the urgent need for targeted educational initiatives.

These initiatives should aim not only to increase general literacy but also to enhance specific knowledge about child Sexual abuse and its prevention. Furthermore, recommendations include raising awareness about related issues such as e-banking fraud, which also requires increased vigilance and education. Indian laws, such as the Protection of Children from Sexual offences (PoCSO) Act, 2012, provide a robust framework for protecting children from Sexual abuse. However, the effective implementation of these laws is hindered by low awareness and literacy levels.

Comprehensive educational programs are essential to inform the public about their rights and the protections available under the law. The study

concludes that enhancing awareness and understanding of child Sexual abuse through education can significantly improve the socio-economic conditions in regions like southern Rajasthan, aligning with the broader objectives of Indian child protection laws in 2024 and beyond. This approach promises to uplift the community by providing the necessary knowledge and tools to safeguard children and improve overall living standards.

#### **8.10 Point Wise Major Findings**

1. As part of this research study, researcher found that there is association between PoCSO ACT 2012 and Sexual abuse of children based cases in Southern Rajasthan.
2. During the course of the research, the researcher engaged in conversations with individuals from various areas, delving deeply into the topic of child Sexual abuse. These discussions, coupled with an extensive review of existing literature, revealed a significant association between the lack of legal and educational awareness and the prevalence of child Sexual abuse cases. It became evident that communities with limited understanding of legal protections, such as those provided by the Protection of Children from Sexual offences (PoCSO) Act, 2012, and scant educational resources are more vulnerable to such crimes. The research highlighted that in areas where legal frameworks and educational initiatives are either poorly understood or inadequately implemented, children are at a heightened risk of abuse. This lack of awareness not only hampers the ability of potential victims and their guardians to seek justice and protection but also perpetuates a cycle of ignorance and vulnerability. The findings underscore the urgent need for comprehensive educational programs and legal awareness campaigns to equip communities with the knowledge necessary to prevent child Sexual abuse and to protect children's rights effectively. These initiatives are crucial for fostering a safer and more informed society where children can grow up free from the threat of abuse.
3. During the study, the researcher learned about different types of child

Sexual abuse faced by the victims.

4. Researcher also learned that there is association between lack of legal and educational awareness and promotion child Sexual abuse cases.
5. Researcher also learned that there is association between vulnerability of children in these districts and the root causes of their abuse.

### **8.11 Conclusions**

1. There is paucity of research work done on child Sexual abuse and safety in the districts of Southern Rajasthan, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur.
2. It is observed that awareness about understanding of child Sexual abuse and safety measures has not spread to the people in the examined districts of Southern Rajasthan, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur.
3. There is still need to make people aware and create awareness about child Sexual abuse and safety.
4. Despite continuous awareness, training, the introduction of new laws, and implementing safety measures, the cases on child Sexual abuse increase every year.
5. There are still a significant number of people who do not know how to deal with child Sexual abuse due to fear of risk or due to their incompetence in handling the sophisticated matter.
6. A new methodology has been adopted by government to maximize the help and awareness associated to child Sexual abuse, including filing of online complains.

### **8.12 Suggestions**

To raise awareness about child Sexual abuse effectively, a multi-faceted approach should be adopted. Here are several key steps that can be taken: The points are as follows:

### **Educational Campaigns:**

1. **Workshops and Seminars:** organize workshops and seminars for parents, teachers, and caregivers to educate them about the signs of child Sexual abuse, prevention strategies, and how to respond if abuse is suspected.

2. **School Programs:**

Implement programs in schools that teach children about personal safety, boundaries, and how to report inappropriate behavior.

3. **Media and Communication:**

**Public Service Announcements (PSAs):** Use television, radio, and social media platforms to broadcast PSAs that highlight the importance of recognizing and reporting child Sexual abuse.

**Print and Digital Media:** Distribute brochures, posters, and digital content that provide information on child Sexual abuse, legal protections, and resources available for victims.

4. **Community Involvement:**

Seminars and workshops should be organized by the legal institutions on the topic of child Sexual abuse.

**Community Meetings:** Hold community meetings and discussions to engage local leaders, parents, and community members in conversations about child protection and the role they can play.

**Local Events:** Participate in local events and fairs to distribute educational materials and provide information on child Sexual abuse prevention.

5. **Partnerships and Collaborations:**

**NGOs and Child Protection organizations:** Partner with non-governmental organizations and child protection agencies to amplify outreach efforts and leverage their expertise in handling cases of child Sexual abuse.

**Law Enforcement and Legal Professionals:** Collaborate with law enforcement agencies and legal professionals to ensure the community

understands the legal ramifications of child Sexual abuse and the protections available under laws like the Protection of Children from Sexual offences (PoCSO) Act.

#### **6. Training and Capacity Building:**

**Professional Training:** Provide specialized training for educators, healthcare providers, law enforcement, and social workers on identifying and responding to child Sexual abuse.

**Hotlines and Support Services:** Promote the availability of hotlines and support services that offer immediate help and counseling for victims and their families.

#### **7. Use of Technology:**

**Mobile Apps and Websites:** Develop and promote mobile apps and websites that provide information on child Sexual abuse, resources for help, and ways to report incidents anonymously.

**Social Media Campaigns:** Run targeted social media campaigns to reach a broader audience, using hashtags, videos, and info graphics to spread awareness.

#### **8. Policy Advocacy:**

**Advocate for Policies:** Advocate for the implementation and enforcement of policies that protect children from abuse, and work with policymakers to ensure robust legal frameworks are in place.

**Monitoring and Evaluation:** Establish mechanisms to monitor and evaluate the effectiveness of awareness campaigns and adjust strategies as needed.

#### **Photographs and Printed Media**

In order to raise customer awareness through advertising, the use of photographs and printed media shall be used.

By implementing these steps, a comprehensive approach can be achieved to raise customer awareness about child Sexual abuse, ultimately leading to a safer and more informed community.

### **8.13 Suggestions for the Government Taken During Informal Interviews**

1. Public places such as railway stations, bus depots, and airports hold a crucial potential for the Central and State governments to promote consumer awareness about child abuse, particularly through the deployment of posters, announcements, and visual aids. In the context of Indian law concerning child abuse in 2024, the districts of Southern Rajasthan, including Chittorgarh, Udaipur, Sirohi, Pratapgarh, Banswara, and Dungarpur, present unique challenges and opportunities. These districts, characterized by their distinct socio-cultural dynamics, require targeted and effective dissemination of information to combat child abuse. The implementation of awareness campaigns in these public venues can significantly enhance the outreach of preventive measures and support mechanisms. By leveraging the high footfall in these locations, the authorities can ensure that crucial information reaches a diverse and extensive audience. This strategy not only aids in educating the public about the signs and consequences of child abuse but also informs them about legal recourses and support systems available under Indian law. The Protection of Children from Sexual offences (PoCSO) Act, 2012, and subsequent amendments, as well as various state-specific regulations, mandate stringent actions against perpetrators and provide comprehensive support for victims. Hence, utilizing public places for awareness campaigns aligns with the broader objectives of these laws, fostering a more informed and vigilant society in the fight against child abuse in Southern Rajasthan.
2. In order to raise awareness about child abuse, governments should use mass media on a large scale. To extend the message of child abuse Safety, celebrities can also be used for advertising in newspapers, television and radio.

### **8.14 Scope for Future Research Study**

1. the same type of investigation can be conducted on a national scale. other districts would make it wider, resulting in a larger perspective on the subject of child abuses and the safety measures implemented by various agencies to stop them.

2. a nation-wise comparisons can also be performed to get at a global picture of how different big economic superpowers as well as smaller nations have been affected by child abuse and what efforts the individual national governments have done to stop them.
3. the study period can be extended to ten or fifteen years in order to trace the beginning and morbid progression of child abuse.
4. an analytical studies at the state and national levels on the same topic can be conducted utilising more in-depth analytical technologies.
5. a study of the impact of various states' and the national government of india's awareness campaigns can be conducted, tracing the relevance of mass media in exposing the people to the dangers of child abuse. the effectiveness of such efforts can be assessed by examining the rate of increase or decrease in child abuse cases following such initiatives.



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Section 24-27, Section 24(1), Section 24(2), Section 24(3), Section 24(4), Section 24(5), Section 25 (1), Section 25 (2), Section 26 (1) Section 26 (2), Section 26 (3), 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), Section 33(8).

Section 24-27, Section 24(1), Section 24(2), Section 24(3), Section 24(4), Section 24(5), Section 25 (1), Section 25 (2), Section 26 (1) Section 26 (2), Section 26 (3), 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), Section 33(8).

Section 3 is substituted by Child Labour (Prohibition and Regulation) Amendment Act, 2016. Section 14(2A), Section 14B

Section 3 of the Act

Section 3 provides for qualifications for being engaged as an apprentice

Section 312 to 318 of Indian Penal Code

Section 3A of the Act after 2016 Amendment Section 14A

Section 40 of the Mines Act, 1952

Section 40(2) of the Act

Section 4-12, Section 3, Section 4, Section 5, Section 6, 2019 Amendment came into force from 16-08-2019, Section 7, Section 8, Section 10, Section 11, Section 12, Section 13-15 Act of 2012

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Section 6 of the Act

Section 8 of the Act

Section 9 of the Act

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# **PLAGIARISM REPORT**

# SEXUAL ABUSE OF CHILDREN IN INDIA: A STUDY OF CHILD PROTECTION LAWS WITH SPECIAL REFERENCE TO SOUTHERN RAJASTHAN

*by* DHRUVAL SHAH

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# QUESTIONNAIRE

**Voices Against Child Sexual Abuse: Police Opinion Survey/ बाल यौन शोषण  
के खिलाफ आवाजें: पुलिस राय सर्वेक्षण(केवल पुलिस के लिए)**

**QUESTIONNAIRE FOR POLICE / पुलिस के लिए प्रश्नावली**

सदस्यों,

महत्वपूर्ण कानूनी ढांचे के बारे में जागरूकता और समझ को बढ़ावा देने की हमारी प्रतिबद्धता के हिस्से के रूप में, मैं आपको हमारे POCSO अधिनियम जागरूकता सर्वेक्षण में भाग लेने के लिए आमंत्रित करते हूँ। यौन अपराधों से बच्चों का संरक्षण (POCSO) अधिनियम हमारे समाज में बच्चों के अधिकारों और कल्याण की सुरक्षा के लिए बनाया गया एक महत्वपूर्ण विधायी उपाय है। आपकी भागीदारी एक ऐसे समाज के निर्माण की दिशा में एक महत्वपूर्ण कदम है। मैं आपके समय और विचारशील प्रतिक्रियाओं की ईमानदारी की सरहना करता हूँ।

**Data from Police Officials/ पुलिस अधिकारियों से प्राप्त आंकड़े**

(Police Station Name) / Optional

1. Name

.....

2. Do you believe that there is sufficient training for police officers in handling child abuse cases? / क्या आप मानते हैं कि बाल उत्पीड़न के मामलों से निपटने के लिए पुलिस अधिकारियों को पर्याप्त प्रशिक्षण दिया जाता है?

- a) Yes, there is sufficient training
- b) Yes, but it could be improved
- c) No, there is not enough training
- d) I am unsure

3. How satisfied are you with the responsiveness of the police when it comes to investigating child abuse cases?/ बाल उत्पीड़न के मामलों की जांच के मामले में पुलिस की प्रतिक्रिया से आप कितने संतुष्ट हैं?

- a) Very satisfied
- b) Somewhat satisfied
- c) Not very satisfied
- d) Not satisfied at all

4. In your opinion, should there be increased collaboration between the police and other child welfare organizations in handling child abuse cases?/ आपकी राय में, क्या बाल दुर्व्यवहार के मामलों से निपटने में पुलिस और अन्य बाल कल्याण संगठनों के बीच सहयोग बढ़ाया जाना चाहिए?
- a) Yes, collaboration should be increased
  - b) Collaboration is sufficient
  - c) I am unsure
  - d) No, collaboration is not necessary
5. How many cases of child abuse were registered in your police station from 2013 to 2024?/ 2013 से 2024 तक आपके पुलिस स्टेशन में बाल शोषण के कितने मामले दर्ज हुए?
- .....
6. What percentage of cases were resolved from 2013 to 2024? 2013 से 2024 तक कितने प्रतिशत मामले सुलझाए गए?
- .....

**QUESTIONNAIRE FOR ADVOCATE/ COURT**

**अधिवक्ता /अदालत के लिए प्रश्नावली**

**“Empowering Communities: A Survey on Child Sexual Abuse by  
Advocates”**

Name : .....

**Data from Advocate/ Court**

प्रिय प्रतिभागियों/समुदाय सदस्यों,

महत्वपूर्ण कानूनी ढांचे के बारे में जागरूकता और समझ को बढ़ावा देने की हमारी प्रतिबद्धता के हिस्से के रूप में, मैं आपको हमारे POCSO अधिनियम जागरूकता सर्वेक्षण में भाग लेने के लिए आमंत्रित करते हूँ। यौन अपराधों से बच्चों का संरक्षण (POCSO) अधिनियम हमारे समाज में बच्चों के अधिकारों और कल्याण की सुरक्षा के लिए बनाया गया एक महत्वपूर्ण विधायी उपाय है। आपकी भागीदारी एक ऐसे समाज के निर्माण की दिशा में एक महत्वपूर्ण कदम है। मैं आपके समय और विचारशील प्रतिक्रियाओं की ईमानदारी की सरहना करता हूँ।

इस महत्वपूर्ण प्रयास का हिस्सा बनने के लिए धन्यवाद।

1. How many cases of child abuse were deal by advocate from the year 2013-2023?

.....

2. How many cases of child abuse is disposed of by you?

.....

3. Have you ever encountered a situation where you suspected an advocate of being involved in child abuse, and if so, did you report it?

- a) Yes, I reported the suspicion.  
b) Yes, but I did not report it.  
c) No, I have not encountered such a situation

4. In your opinion, how transparent is the legal profession in handling cases of child abuse involving advocates?

- a) Very transparent
- b) Somewhat transparent
- c) Not very transparent
- d) Not transparent at all

## QUESTIONNAIRE FOR PARENTS/ माता-पिता के लिए प्रश्नावली

प्रिय प्रतिभागियों/समुदाय सदस्यों,

महत्वपूर्ण कानूनी ढांचे के बारे में जागरूकता और समझ को बढ़ावा देने की हमारी प्रतिबद्धता के हिस्से के रूप में, मैं आपको हमारे POCSO अधिनियम जागरूकता सर्वेक्षण में भाग लेने के लिए आमंत्रित करते हूँ। यौन अपराधों से बच्चों का संरक्षण (POCSO) अधिनियम हमारे समाज में बच्चों के अधिकारों और कल्याण की सुरक्षा के लिए बनाया गया एक महत्वपूर्ण विधायी उपाय है। आपकी भागीदारी एक ऐसे समाज के निर्माण की दिशा में एक महत्वपूर्ण कदम है। मैं आपके समय और विचारशील प्रतिक्रियाओं की ईमानदारी की सरहना करता हूँ।

इस महत्वपूर्ण प्रयास का हिस्सा बनने के लिए धन्यवाद।

प्रतिवादी का नाम (\*\*गुप्त रखा जाएगा)

.....

1. बाल यौन शोषण के संबंध में आपकी जागरूकता का स्तर क्या है?
  - a) Very aware - बहुत जागरूक
  - b) Somewhat aware - कुछ हद तक जागरूक
  - c) Not very aware बहुत जागरूक नहीं
  - d) Not aware at - all बिल्कुल पता नहीं
  
2. Have you ever received information or education about preventing child sexual abuse? क्या आपको कभी बाल यौन शोषण को रोकने के बारे में जानकारी या शिक्षा प्राप्त हुई है?
  - a) Yes, through school programme - हाँ, स्कूल कार्यक्रम के माध्यम से
  - b) Yes, through community programme - हाँ, सामुदायिक कार्यक्रम के माध्यम से
  - c) Yes, through online resources - हाँ, ऑनलाइन संसाधनों के माध्यम से
  - d) No, I have not received any information - नहीं, मुझे कोई सूचना नहीं मिली है
  
3. Do you believe that your community takes sufficient measures to prevent child sexual abuse? क्या आप मानते हैं कि आपका समुदाय बाल यौन शोषण को रोकने के लिए पर्याप्त उपाय करता है?
  - a) Yes, very sufficient - हाँ, बहुत पर्याप्त है
  - b) Yes, somewhat sufficient - हाँ, कुछ हद तक पर्याप्त
  - c) No, not very sufficient - नहीं, बहुत पर्याप्त नहीं है
  - d) No, not sufficient at all - नहीं, बिल्कुल भी पर्याप्त नहीं है
  
4. If you suspected or knew of a child being sexually abused, would you know how to report it to the appropriate authorities? यदि आपको संदेह है या आप जानते हैं कि किसी बच्चे के साथ यौन दुर्यवहार किया जा रहा है, तो क्या आप जानते हैं कि उचित अधिकारियों को इसकी रिपोर्ट कैसे करें?
  - a) Yes, I am confident in knowing how to report - हाँ, मुझे यह जानने का भरोसा है कि रिपोर्ट कैसे करनी है



- b) Yes, but I am not very confident - हाँ, लेकिन मैं बहुत आश्वस्त नहीं हूँ
- c) No, I am not sure how to report - नहीं, मुझे नहीं पता कि कैसे रिपोर्ट करूँ
- d) No, I would not know how to report - नहीं, मुझे नहीं पता कि कैसे रिपोर्ट करूँ
5. Are you aware of any POCSO Act dealing with child abuse? क्या आप बाल शोषण से संबंधित किसी POCSO अधिनियम के बारे में जानते हैं?
- a) Yes, and I am familiar with the Act - हाँ, और मैं इस अधिनियम से परिचित हूँ
- b) Yes, but I am not familiar with the Act - हाँ, लेकिन मैं इस अधिनियम से परिचित नहीं हूँ
- c) No, I am not aware of any Act - नहीं, मुझे किसी एक्ट की जानकारी नहीं है
6. Do you think Family Violence Effect child sexual abuse? क्या आपको लगता है कि पारिवारिक हिंसा का प्रभाव बाल यौन शोषण पर पड़ता है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
7. Do you think Lack of proper implementation of laws is the cause of increasing child sexual abuse cases in India? क्या आपको लगता है कि भारत में बाल यौन शोषण के बढ़ते मामलों का कारण कानूनों का उचित कार्यान्वयन न होना है?
- a) Yes - हाँ
- b) not sure - निश्चित नहीं
- c) no - नहीं
8. Do you think POCSO Act 2012 have some loopholes and it is misused for unfair advantages? क्या आपको लगता है कि POCSO अधिनियम 2012 में कुछ खामियां हैं और अनुचित लाभ के लिए इसका दुरुपयोग किया जाता है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
9. Is Child Marriage is also the reason of child sexual abuse? क्या बाल विवाह भी बाल यौन शोषण का कारण है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
10. Do you think today's Cinema is also equally responsible to increase child sexual abuse? क्या आपको लगता है कि आज का सिनेमा भी बाल यौन शोषण को बढ़ाने के लिए उतना ही ज़िम्मेदार है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
11. Do you think poverty is also the reason of child sexual abuse? क्या आपको लगता है कि गरीबी भी बाल यौन शोषण का कारण है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं

12. Do you think every kid who is depressed is going through child abuse? क्या आपको लगता है कि अवसादग्रस्त हर बच्चा बाल शोषण से गुजर रहा है?
- Yes - हां
  - Not sure - निश्चित नहीं
  - No - नहीं
13. Do you think compensation to be given to the accused person if he is implicated in a false case? क्या आपको लगता है कि झूठे मामले में फंसाए जाने पर आरोपी व्यक्ति को मुआवजा दिया जाना चाहिए?
- Yes - हां
  - Not sure - निश्चित नहीं
  - No - नहीं
14. Do you think POCSO ACT 2012 addresses the sexual abuse cases against children in Southern Rajasthan? क्या आपको लगता है कि POCSO अधिनियम 2012 दक्षिणी राजस्थान में बच्चों के खिलाफ यौन शोषण के मामलों को संबोधित करता है?
- Yes - हां
  - Not sure - निश्चित नहीं
  - No - नहीं
15. Do you think child should also be punished for giving false information or false complaint? क्या आपको लगता है कि गलत जानकारी या झूठी शिकायत देने पर बच्चे को भी सजा दी जानी चाहिए?
- Yes - हां
  - Not sure - निश्चित नहीं
  - No - नहीं

# **PUBLICATIONS**





## National Seminar

On

# Social Transformation through Human Rights and Criminal Laws in India (International Law Perspectives)

Organized By

Faculty of Law, Jai Narain Vyas University, Jodhpur (Raj.) - IQAC

21-22 February, 2024

## Certificate

This is to certify that Prof./Dr./Mr./Ms. *Dhruval Shah*.....  
Designation *Research Scholar*..... University/College/Institution *Pacific School of Law,*  
*Palmer University* has participated/presented Paper/~~Chaired~~/~~Co-chaired~~ a session entitled  
*Exploring India's Child - Related Legislation :*  
*A Comprehensive Guide*  
.....  
in the National Seminar.

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Dr. Renu Parmar  
Organizing Secretary

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Prof. (Dr.) Sunil Asopa  
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PACIFIC ACADEMY OF HIGHER EDUCATION & RESEARCH UNIVERSITY, UDAIPUR  
PACIFIC SCHOOL OF LAW IN COLLABORATION WITH CHILD WELFARE COMMITTEE, UDAIPUR

**MULTIDISCIPLINARY INTERNATIONAL CONFERENCE ON  
CHILD RIGHTS AND CHILD PROTECTION ISSUES AND CHALLENGES**

**CERTIFICATE OF PRESENTATION**

This is to certify that Prof./Dr./Ms./Mr. *Dhruval Shah, Research Scholar*  
from *PAHER University, Udaipur* has presented the paper titled  
*A Comprehensive Guide to Child-Related legislations in India*  
in the two days Multidisciplinary International Conference on "Child Rights and Child Protection: Issues and Challenges" held on  
25th and 26th August 2023, organised by Pacific School of Law, PAHER University and Child Welfare Committee at Pacific School of  
Law, Pacific Academy of Higher Education And Research University, Udaipur.

**Prof. K.K. Dave**  
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# A COMPREHENSIVE GUIDE TO CHILD-RELATED LEGISLATION IN INDIA

## Abstract

Child-related legislation in India is of paramount importance in safeguarding the rights and well-being of children. This comprehensive research paper aims to provide an in-depth overview of the key laws and acts that have been enacted in order to ensure the well-being, development, and protection of children within the country. The paper will explore the various legislative measures that have been put in place to safeguard the rights and interests of children, with a particular focus on their physical, emotional, and social welfare. By examining the evolution and impact of these laws and acts, this research paper seeks to shed light on the progress made in promoting and safeguarding the rights of children, as well as identify any gaps or challenges that may still exist in the current legal framework. Through a systematic analysis of relevant legislation, this research paper aims to contribute to the existing body of knowledge on child protection and serve as a valuable resource for policymakers, researchers, and practitioners working in the field of child welfare. This comprehensive guide provides an in-depth analysis of diverse facets pertaining to legislation concerning children.

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**Keywords:** Child Legislations, Child laws, Children Rights, POCSO

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## Introduction

Research paper comprises a wide range of topics, such as constitutional provisions, educational acts, and measures to safeguard against abuse and exploitation, juvenile justice, and specialize protection for vulnerable groups. This statement further underscores the significance of child participation, the right to development, identity rights, and the role of commissions dedicated to child protection. Moreover, the guide places a strong emphasis on the importance of breastfeeding and the regulation of infant milk substitutes. The comprehension of these laws and acts holds paramount importance for individuals, organizations, and the government in their endeavor to foster and maintain the rights of children, while concurrently establishing a secure and nurturing milieu conducive to their development and overall welfare.

## Question of Research

What is a complete guide to child-related legislation in India, containing an overview of the important laws and acts aimed at protecting children's rights and welfare?

## Methods of Research

The following Methods are followed to gather relevant information and to analyze the subject matter effectively:

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01. Literature Review
02. Legal Document Analysis
03. Case Studies
04. Legal Framework Evaluation

## Definition of Child

Different legislation regards age to be the primary criterion for designating a kid. Among the key meanings of the word "child" in different international and local regulations are:

- The word 'Child' is defined in the 1989 Convention on the Rights of the Child as "[...] any human being under the age of eighteen years, unless majority is attained earlier under the law applicable to the child."
- Article 2 of the 1999 International Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor defines child as "all persons under the age of 18."
- Section 2(aa) of the Immoral Traffic (Prevention) Act, 1956 defines "child" as "any person under the age of sixteen."
- Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015 defines "child" as "any person under the age of eighteen."
- Section 2(a) of the Prohibition of Child Marriage Act, 2006 defines "child" as "a person who has not completed twenty-one years of age, if a male, and eighteen years of age, if a female."
- According to Section 2© of the Factories Act of 1948, "child" denotes "a person who has not completed his fifteenth year of age."
- According to Section 2(d) of the Protection of Children from Sexual Offences Act of 2012, "Child" implies "any person under the age of eighteen."

However, it is worth noting that in most legislation, the age of 18 years is used as a criterion for classifying a person as a kid; hence, for the purposes of this research, the definition of child is based on the Protection of Children from Sexual Offences Act, 2012.

## A Comprehensive Guide - Child Related Legislation in India

The term "child-related legislation" refers to a wide variety of laws and actions that have been passed in India with the intention of protecting the rights and welfare of children. The following is an all-encompassing overview to the legal framework in India pertaining to children, with subheadings on individual acts and laws: 1. The Constitution of India includes the following provisions:<sup>1</sup>

- A. Article 15(3) allows for the creation of specific measures for the protection of children.
- B. Article 21A ensures that all children between the ages of 6 to 14 have the legal right to receive an education that is both free and mandatory.<sup>2</sup>

### 1. The Juvenile Justice (Care and Protection of Children) Act, 2015 does the following:<sup>3</sup>

- a. It establishes a comprehensive framework for the care, protection, and rehabilitation of children who are in conflict with the law and children who are in need of care and protection; this includes both children who have broken the law and children who are in need of care and protection.<sup>4</sup>
- b. Creates committees to address matters involving children by establishing juvenile justice boards and child welfare committees.

## Down side of the Legislation

- A. **Age Determination** : The Act classifies all

1 CLA's Constitution Law of India by Dr JN Pandey

2 Pathak, J. (March 9, 2012). An Analytical Study on Rights of Children and the Constitution of India. Assam.

3 The Juvenile Justice (Care and Protection of Children) Act, 2015.

4 Avinash De Sousa, S. S. (Volume-3, Issue-9, Sept-2014 • ISSN No 2277 - 8160). The Protection of Children From Sexual Offences Act 2012.

under-18s as minors, regardless of maturity or mental ability. In circumstances of major and egregious crimes, there have been requests to decrease the age restriction for classifying criminals as adults.

- B. Inadequate Rehabilitation and Reintegration:** The Act stresses the rehabilitation and reintegration of children in conflict with the law, however there are worries about the lack of infrastructure, resources, and programs to do so. Counselling, skill development, and education programs for these children's reintegration are few.
- C. Overburdened Juvenile Justice System:** The Act assigns matters involving children in dispute with the law to Juvenile Justice Boards and Child Welfare Committees. However, heavy caseloads, poor personnel, and limited resources can delay justice and child care in these facilities.
- D. Lack of Standardization:** Different Indian states execute the Act differently. The Act's interpretation and execution vary, resulting in inconsistent treatment of children in conflict with the law and in need of care and protection.
- E. Insufficient Focus on Prevention:** The Act largely addresses the repercussions of children breaking the law, although preventative measures and early intervention programs are needed to lower juvenile delinquency rates. Prioritize strategies to address poverty, lack of education, and violence as fundamental causes of offending.
- F. Child involvement:** The Act acknowledges the significance of child involvement, but the juvenile justice system needs to improve and encourage meaningful child engagement in life-changing choices. A fair and successful system requires children to be heard and considered in decision-making.

## 2. The Right of Children to Free and Compulsory Education Act, 2006<sup>5</sup>

- a. Ensures that all children between the ages of 6 to 14 are provided with an education that is both free and mandatory.
- b. Prohibits discrimination in the admissions process, the curriculum, and the process of completing primary school<sup>6</sup>.

## 3. The Protection of Children from Sexual Offenses (POCSO) Act, which was passed in 2012, does the following<sup>7</sup>

- a. It establishes a legal framework for protecting children from sexual abuse, exploitation, and pornography.
- b. Defines a variety of sexual crimes committed against minors and outlines severe penalties for those who commit such acts.

### Down side of the Legislation

- A. Ambiguity of "Child":** The statute defines a kid as someone under 18. The Indian Penal Code sets the age of consent for consensual sex between two people at 18, which creates uncertainty about sexual behaviour. This mismatch has caused uncertainty and dispute about the POCSO Act's applicability to minors' voluntary sexual behaviour.
- B. Lack of Gender-Neutral Language:** The POCSO Act protects female children but not male youngsters from sexual assaults. This gender-specific phrasing leaves male sexual assault victims vulnerable and may discourage reporting or delay prosecution.

In a case involving the physical relationship between adolescent boy and adolescent girl, the girl is treated as the victim and the boy is treated as an accused. Despite the POCSO Act, gaining convictions is difficult owing to a lack of evidence, judicial delays, and

5 The Right of Children to Free and Compulsory Education Act, 2006:

6 Sarin, M. N. The Right of Children to Free and Compulsory.

7 Datta & Das (2018). Indian Child Protection Laws. Law and Social Sciences, 2(1), 22-32.



societal stigma surrounding child sexual abuse cases. These obstacles may hinder justice for child victims and deter reporting.

Despite the POCSO Act, gaining convictions is difficult owing to a lack of evidence, judicial delays, and societal stigma surrounding child sexual abuse cases. These obstacles may hinder justice for child victims and deter reporting.

**C. Rehabilitation and assistance Services:** The statute emphasizes punishment, but child victims of sexual assaults require rehabilitation and assistance. To help survivors recover, counselling, medical treatment, and other assistance should be priority.

#### **4. The Child Labour (Prohibition and Regulation) Act of 1986:<sup>8</sup>**

- A. Prohibits the employment of children younger than 14 in potentially dangerous jobs or procedures; regulates the conditions under which children may be employed;
- B. Establishes guidelines for the working conditions and hours that minors may be required to labour in jobs that are allowed.

### **Down side of the Legislation**

**Ambiguity in the Definition of "Child Labour":** The legislation defines child labor as the employment of children under the age of 14 in certain vocations. The statute, however, enables minors to work in family businesses and some non-hazardous vocations, which may lead to exploitation and the continuation of child labor in disguised forms.

#### **5. The Commissions for the Protection of Child Rights (CPCR) Act, 2005.<sup>9</sup>**

- A. Establishes National and State Commissions for the Protection of Child Rights to monitor and oversee the implementation of child rights and protection.
- B. Provides the Commissions with the authority to investigate complaints, take actions on their own initiative, and make recommendations on child welfare policies.

#### **6. The Child Marriage Restraint Act (CMRA), signed in 2006, does the following:<sup>10</sup>**

- A. It outlaws marrying a child under the age of 18 and lays out penalties for anyone who is responsible for or promotes such unions.
- B. Minimum age for females to get legally married is 18 and 21 for Male.

#### **7. The National Policy for Children, 2013, does the following**

- A. It outlines the guiding principles and action plans for the comprehensive development and well-being of children.
- B. Places an emphasis on the child's ability to live, maintain their health and nutrition, get an education, be protected, and participate.<sup>11</sup>

8 The Child Labour (Prohibition and Regulation) Act of 1986

9 The Commissions for the Protection of Child Rights (CPCR) Act, 2005

10 The Child Marriage Restraint Act (CMRA)

11 The National Policy for Children, 2013

12 The Infant Milk Substitutes, Feeding Bottles and Infant Foods Regulation of Production, Supply and Distribution Amendment Act, 2003

## 8. The Infant Milk Substitutes, Feeding Bottles, and Infant Foods Regulation of Production, Supply, and Distribution Amendment Act of 2003: serves as a modification to the initial legislation established in 1992.

The aforementioned legislation is commonly known as the IMS Act or the Infant Milk Substitutes Act. The primary objective of the IMS Act is to establish regulatory measures for the oversight of the making, supply, and distribution of infant milk substitutes, feeding bottles, and infant foods. The primary aim of this initiative is to safeguard and advance the practice of breastfeeding, which is widely recognized as essential for the optimal health and overall welfare of newborns.<sup>12</sup>

### Review of Literature

Datta & Das (2018) examined India's child protection laws, including the Juvenile Justice Act, Child Labor Act, and Protection of Children from Sexual Offences Act. It evaluates the legal framework and suggests improvements.

Gupta & Human (2017) mentioned that The Indian Right to Education Act, Juvenile Justice Act, and Prohibition of Child Marriage Act are critically examined in this paper. It examines how these regulations affect child well-being and proposes improvements.

Sharma & Gupta (2019) discussed Indian child protection laws, institutions, and policies. It explains how the National and State Commissions for Protection of Child Rights, Juvenile Justice Boards, and Child Welfare Committees safeguard children and assesses their implementation issues.

Rani Verma (2018) discussed Child labor, trafficking, marriage, and abuse laws in India are critically examined in this research. It addresses implementation shortcomings and proposes legislative reforms to safeguard children.

Agarwal & Tripathi (2016) examines India's Right to Education Act, Juvenile Justice Act, and Integrated Child Protection Scheme. It addresses

implementation gaps, obstacles, and the need for comprehensive child protection.

Das & Chatrabouty (2018) examines India's Child Labor (Prohibition and Regulation) Act its modifications. It evaluates the legislation's impact on child labor and offers ways to improve enforcement and rehabilitation.

### Conclusion

In India, laws about children are very important for protecting their rights, keeping them healthy, and helping them grows up. This thorough guide has given a review of some of the most important laws and acts that are meant to protect children in different areas also talked about parts of the constitution like Article 15(3) and Article 21A, which promise special protections for children and the right to free and mandatory education, respectively. It also talked about specific laws, such as the Juvenile Justice Act, the Right to Education Act, the POCSO Act, the Child Labour Act, and others, that protect children, help them get an education, take care of their health, and give them a voice.

Also Effort to talked about how important it is to nurse and how the Infant Milk alternatives Act regulates milk alternatives for babies. It talked about how important it is for children to be involved, to have the right to grow, to have the right to their own identity, and to have special protections for groups that are weak.

By looking at laws about children, it became clear that putting them into effect and making sure they are followed are still major problems. It is important for government departments, non-government organizations, and civil society to work together to make sure that these rules are implemented, monitored, and evaluated well.

Even though the Research paper gave a complete outline, it is important to remember that child-related laws are always changing. Changes and ongoing work are needed to deal with new problems and improve the safety and wellbeing of children.

Overall, this Research Paper is a useful tool for lawmakers, practitioners, scholars, and other

people who work in the area of child safety and rights. It talks about India's legal system and encourages a more complete understanding of laws that affect children. It also stresses the need for everyone to work together to make a safe, caring, and welcoming place for all children.

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# CHILD RIGHTS AND THEIR PROBLEMS

## Abstract

The present study conducts a critical analysis of child rights in India, highlighting the many obstacles that hinder their successful implementation. With 370 million children living in India, it is crucial to preserve their rights to identity, health, education, and safety, among other things. Even with legislative protections in place, a significant number of children still lack access to these essential rights.

The paper tries to explain many reasons which fail to protect children's rights, focusing on the obstacles that hinder access to education. It does this by using a wealth of research and empirical data. Remarkably, data show that 50 % of Indian children between the ages of six to eighteen are not enrolled in school, which raises the questions of whether socioeconomic causes and systemic inequalities are at work.

This paper explores the negative effects of violating a child's rights on both physical and mental health. These issues have been made worse by the COVID-19 pandemic, which has increased danger in children and escalated inequality. This study employs a multidisciplinary approach to identify critical issues and provide workable remedies. The report argues for coordinated efforts at local, national, and international levels to protect the rights of every child in India, ranging from policy interventions to grassroots activities.

This study attempts to encourage discussion and promote constructive change in the field of child rights advocacy and protection by giving a thorough analysis of the existing situation and practical suggestions.

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**Keywords:** Child Legislations, Child laws, Children Rights, POCSO

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## Introduction

The right to health is of highest priority for all people on the planet. An unhealthy individual is incapable of living a joyful existence. The condition of being physically, mentally, and socially sound is health. Similarly, child good health include education, Prohibition on child labour, Prohibition on Violence, abuse, Discrimination & on Deprivation.

Right to Equality (Article 14), Right against Exploitation (Article 23), Right to Freedom of Speech and Expression (Article 19), Right to Protection of

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1 THE CONSTITUTION OF INDIA [As on 26th November, 2021

2 CHILDREN RIGHTS AND THEIR SOCIO-LEGAL PROBLEMS

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Children (Article 15(3) and Article 39(e) and (f)), Right to Development and Protection (Directive Principles of State Policy), Right to life, Right to education (Article 21A)<sup>1</sup> this are the few right which is protected by constitution of India, but still we face some loopholes if we go in the society In India, approximately 8 crore children do not attend school<sup>2</sup>. Despite India's rising per capita income, millions of children and women suffer from 'hidden hunger'. According to the UN's Food and Agricultural Organisation (FAO) 'The State of Food Security and Nutrition in the World, 2022 Report'<sup>3</sup>, 224.3 million people, or 16% of the Indian population, are malnourished, with 53% of reproductive-age women being anaemic. More than 17.3% of children are malnourished, and more than 30.9% are stunted, exposing them to common childhood infections such as malaria, pneumonia, and diarrhoea, which are primary causes of child mortality in India. Even though India's child death rate declined from 2.5 million per year in 2000 to 1.2 million per year in 2015, it remains the world's highest statistic for mortality for children under the age of five.<sup>4</sup>

Every person has the right to life, which is a very basic and important right. It's also a basic right that all other rights are based on. In the lack of this right to security, all other rights are meaningless. Childhood is a more fragile time for people because their bodies and minds have not fully developed yet. Furthermore, the youngster demands extra care and protection. Every child needs particular.

## Question of Research

Examining the Multifaceted Challenges Faced by Children in Upholding Their Rights: A Comprehensive Analysis of Socioeconomic, Cultural, and Legal Factors?

## Methods of Research

The following Methods are followed to gather relevant information and to analyze the subject matter effectively:

### 01. Literature Review

### 02. Legal Document Analysis

### 03. Case Studies

### 04. Legal Framework Evaluation

## Six major problems and rights that most children face and desire in their lives

- A. Health issues / Right to Survival
- B. Poverty / the right of a child to be protected against poverty.
- C. Lack of education / Right to Education:
- D. Child labour / Right to Development:
- E. Violence and abuse / Right to Protection:
- F. Discrimination & Deprivation / Right to Non-Discrimination:

## A. Health Issues/Right to Survival

What is your understanding of it? We discuss numerous aspects of life, including the need to work, study, and live. However, numerous children are merely struggling for survival. Not only by starvation but also as a result of medical complications. We encounter numerous infections, diseases, and viruses on a daily basis; at the moment, we are occupied with Covid-19. Over the past Four years, each individual has been contending with this virus. A considerable number of our loved ones have perished as a result of this pandemic. There are currently a multitude of vaccines on the market. In numerous jurisdictions, the government is providing complimentary vaccinations but still many children, however, had lost their parents, and we can offer only our condolences or make a token effort to assist them, and we remain ignorant to the challenges that these children are currently experiencing or may encounter in the future. It has been reported or observed that certain newborns die as a result of medical complications or other causes. New death rates from UNICEF, the World Health Organisation (WHO), the United Nations Population Division, UNFPA, and the World Bank Group show that about 2.8 million pregnant women and babies die every year, or 1 every 11 seconds<sup>5</sup>.

3 <https://www.fao.org/3/cc0639en/cc0639en.pdf>

4 <https://blogs.lse.ac.uk/southasia/2023/02/27/stuffed-granaries-and-empty-stomachs-hunger-in-india/>

5 <https://www.unicef.org/press-releases/surviving-birth-every-11-seconds-pregnant-woman-ornewborn-dies-somewhere-around#:~:text=FACT%20SHEET,and%20the%20World%20Bank%20Group.>

Indians have significant challenges in the form of poverty, hunger, and inadequate sanitation, which greatly contribute to the high rate of child mortality. Over 40% of youngsters suffer from malnutrition or impaired growth. Kerala has the most minimal child mortality rates among all regions in India. This has been accomplished via the mitigation of poverty, alleviation of hunger, and reduction of disparities. India has higher child death rates compared to its neighbouring countries, Bangladesh and Nepal, despite the fact that both countries are economically weaker and have a lower number of physicians.

After birth, many parents leave their newborn babies in public places due to various reasons. They may not be financially stable, they may have a girl baby, or there could be other factors involved. These circumstances are not new; we are all aware of them. These children are simply fighting for their survival; they don't want anything else except to live.

On the other hand of this paper as we early said there is two part of this paper one is socio and another one is legal. Now we will see some legal aspects of it.

#### Article 14

In terms of the Indian Constitution it's about being equal in front of the law. The Indian constitution says that everyone is equal before the law. So why do so many of us not follow this and break the constitution? We need to follow this, and people who don't should be punished harshly.<sup>6</sup>

#### Article 15

Discrimination based on "place of birth." is prohibited under Article 15 of the Indian Constitution. This implies that people can't be discriminated against depending on where they were born—rural, urban, or elsewhere. Such discrimination violates Constitutional equality and fairness. The constitutional clause guarantees equal treatment regardless of birthplace, although societal biases may remain. Poor and unsanitary individuals may be discriminated against, as you indicated. However, everyone deserves dignity

and respect, regardless of socioeconomic status or living situations.

To counteract birthplace prejudice, awareness, education, and empathy should be promoted. We need a more inclusive society where everyone is appreciated and has equal opportunity to succeed. This involves reducing structural disparities, increasing access to clean water, sanitation, and housing, and confronting discriminatory preconceptions and biases. To guarantee that no one is marginalised or excluded based on birthplace or socioeconomic position, government institutions, civil society organisations, communities, and people must work together to respect Article 15.

**Article 16** The Indian Constitution's Article 16 It discusses equal opportunities in relation to public employment. Bias and corruption can exist in the public employment sector. Although the frequency is decreasing, but still some incidents still occur in some locations nowadays. However, what if the youngster isn't provided with a suitable education and meets their fundamental needs? How can we speak about equal opportunity if they can't get employment in these fields? How will a youngster be able to find employment if they are deprived of their fundamental needs or are not given the chance to further their education? We don't quite know how to solve it. Many schools have been established by the government, yet many kids still choose not to go. The cause is still a mystery.

**Article 21A:** of the Indian constitution. It discusses the right to education. Education, like food and shelter, is critical to our survival; nevertheless, many of us do not get it for a variety of reasons. I have one question for everyone who is reading this. Are we genuinely obeying our Indian constitution? Simply ask yourself if you are or not.

## B. Child Poverty

Children born into poverty face several challenges throughout the day, from sunrise to sunset. They must labour in little spaces to feed themselves and survive on a daily basis. Their family is also

6 THE CONSTITUTION OF INDIA (As on 26th November, 2021)

7 <https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>

8 Section 14 in The Child Labour (Prohibition and Regulation) Act, 1986



suffering because they do not have suitable occupations or a method to generate money, and as a consequence, all of the family members, particularly the youngsters, have to suffer greatly. They lack of food, unsuitable living environment, live in the hut or on the roadside. Their parents worked tirelessly to feed their children twice a day, but some situation is worst-case scenario, and it is very tough for living. In such conditions, the children need work for food or a healthy lifestyle. The most prevalent cause is that their parents do not have a job or labour to perform. In most situations, their parents work for a daily salary, such as labour, cleaning, babysitting, and driving, and so on.

So to overcome from Poverty several strategies should be followed and government should run such type of new programmes

- A. Income Support Programs
- B. Access to Quality Education
- C. Employment Opportunities for Parents
- D. Universal Healthcare Coverage
- E. Addressing Inequality
- F. Affordable Housing
- G. Social Protection Policies
- H. Advocacy and Awareness

It is possible to achieve substantial advancements in the reduction of child poverty and the guarantee of equal opportunities for all children by employing a multisectoral approach that incorporates the aforementioned strategies and combines government agencies, civil society organisations, communities, and international partners.

### C. Education Barriers

01. **Financial constraints:** Families may not be able to afford school fees, travel charges, or school supplies and uniforms.
02. **Child Labour:** In many circumstances, children are compelled to labour to help their families financially, preventing them from attending school.

03. **Distance to Schools:** In rural or isolated places, schools may be distant from children's homes, making it difficult for them to get an education, particularly if transportation is unavailable.
04. **Cultural Beliefs and Practices:** In certain societies, boys' education is prioritised over girls', resulting in gender inequities in access to education. Furthermore, cultural norms may hinder certain groups, such as minorities or marginalised communities, from enrolling their children in school.
05. **Conflict and Instability:** Schools in conflict-affected areas may be destroyed or shuttered, and families may choose their children's safety above education.
06. Children with impairments or special needs may encounter challenges to obtaining an education owing to a lack of proper facilities, experienced instructors, or support services.
07. **Lack of Infrastructure:** Schools in underprivileged regions may lack basic amenities such as classrooms, power, clean water, and sanitation, making it difficult for students to attend consistently.
08. **Discrimination and Exclusion:** Discrimination based on race, religion, language, or socioeconomic background may lead to the exclusion of certain children from educational opportunities.

To address educational hurdles, a multifaceted strategy is required, incorporating government policies, community activities, and international help. This includes providing financial assistance to low-income families, enacting anti-child labour laws, improving infrastructure and transportation networks, promoting gender equality and inclusive education, investing in teacher training and resources, and fostering partnerships between governments, nongovernmental organisations, and communities to ensure that all children have equal access to quality education.

### D. Child Labour

We all know that it is illegal for children to work, but does everyone follow this rule?



No, not all of them. In many workplaces and other places, these kids are working against their will, but everyone has a reason. Some of them have to work even though they don't want to because their people make them. For food, some of the kids work day and night for their families. Some of them work because their parents tell them to. It happens in different places and at different times, but one thing is always the same children work.

They can go to school and have a good time, but for survival they need to work in different workplaces, hotels, and other places. They also want to be happy like other kids, go to school, or study, but they can't.

Child labour still happens and may even get worse because of many complicated reasons:

01. **Poverty:** One of the main reasons kids work is because their families are poor. People who live in great poverty often depend on the money their children can make by working to stay alive. When families are having a hard time meeting their basic needs, putting kids to work is not a choice but a way to stay alive.
02. **Inability to Get an Education:** A lot of the time, kids have to work because they can't get a good education. Children may have to work instead of going to school when schools aren't available, are too expensive, or aren't good enough.
03. **Cultural and social norms:** In some societies, children's ability to help make money for the family is valued more than their right to go to school and be safe from being exploited at work. Gender roles may also play a part, since girls are often expected to do housework or watch their younger brothers instead of going to school.
04. **Lack of Enforcement of Laws against Child Labour:** When laws against child labour are not enforced properly, companies can use kids as cheap labour without getting in trouble. Corruption and weak judicial systems can make this problem even worse.
05. **Conflict and Instability:** Children may be more likely to be exploited and made to work in places where there is conflict, war, or political instability because social systems are broken and there aren't enough protections in place.
06. **Demand for Cheap Labour:** Businesses that need cheap labour may keep using kid labour by taking advantage of weaker groups, especially in areas like farming, manufacturing, mining, and housework.
07. **Movement and Urbanisation:** When kids move from the country to the city to find work, they may be more likely to be abused because they are leaving their towns. In cities, kids may end up working in dangerous places, like the private sector or on the street.

Dealing with child labour needs a multifaceted method that handles its causes, such as poverty, lack of schooling, weak laws, and views in society. Focus should be put on reducing poverty, making it easier for kids to go to school, strengthening child protection systems, making sure labour laws are followed, helping families find stable ways to make a living, and spreading the word about how important it is to protect kids' rights and well-being. To fight child labour successfully and make sure that all children can grow up in a safe and caring setting, states, companies, civil society groups, and foreign bodies must work together.

NEW YORK/GENEVA, 10 June 2021 – The number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years – with millions more at risk due to the impacts of COVID-19, according to a new report by the International Labour Organization (ILO) and UNICEF.<sup>7</sup>

In some industries, like cracker mills, mines, quarries, and child prostitution, kids have to work in dangerous or difficult conditions. These jobs are all against the law. All of these people are given harsh punishments, but they still do this illegal job. There are numerous Loop holes in the system that allows them to do this kind of illegal work

7 <https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>

without fear. We all have to accept this terrible truth. Laws are made for the protection of children and against child labour and exploitation

01. Child Labour Act
02. Child Labour (Prohibition and Regulation)
03. Juvenile Justice (Care and Protection of Children) Act, 2000.

### **Punishment<sup>8</sup>**

01. Whoever employs or permits any child to work in violation of the provisions of section 3 shall be punished by imprisonment for a term of not less than three months but not more than one year, a fine of not less than ten thousand rupees but not more than twenty thousand rupees.

- (2) If a person is convicted of an offence under section 3 and then commits a similar crime, he must be imprisoned for a period of at least six months but up to two years.
- (d) fails to comply with or contravenes any other provisions of this Act or the regulations established thereunder, shall be punished with simple imprisonment for one month, a fine of ten thousand rupees, or both.<sup>9</sup>

In the case of *Jayakumar Nat & Anr v State of NCT of Delhi & Anr* on 4 September 2015. In this instance, the boy stated that he has been working for the past three months at the Vishwakarma Tempo Repairing Centre, Govindpuri Transit Camp, for roughly ten hours per day and earning Rs. 400 per month. Article 24 of the Indian constitution prohibits the employment of minors under the age of 14 in industries and hazardous jobs. The Indian constitution includes Article 24 as one of its essential rights. Children under the age of 14 are not permitted to work in factories or other dangerous environments. If they are compelled to undertake the labour in certain regions, they are subject to penalty.

### **Review of Literature**

Datta & Das (2018), examined India's child

protection laws, including the Juvenile Justice Act, Child Labor Act, and Protection of Children from Sexual Offences Act. It evaluates the legal framework and suggests improvements.

**S. Gupta, M. Kumar (2017)** Mentioned that the Indian Right to Education Act, Juvenile Justice Act, and Prohibition of Child Marriage Act are critically examined in this paper. It examines how these regulations affect child well-being and proposes improvements.

Sharma & Gupta (2019), discussed Indian child protection laws, institutions, and policies. It explains how the National and State Commissions for Protection of Child Rights, Juvenile Justice Boards, and Child Welfare Committees safeguard children and assesses their implementation issues.

Rani & Verma (2018), Mentioned that Child labor, trafficking, marriage, and abuse laws in India are critically examined in this research. It addresses implementation shortcomings and proposes legislative reforms to safeguard children.

Agarwal & Tripathi (2016), examined India's Right to Education Act, Juvenile Justice Act, and Integrated Child Protection Scheme. It addresses implementation gaps, obstacles, and the need for comprehensive child protection.

Das & Chakraborty (2015), Examined India's Child Labor (Prohibition and Regulation) Act its modifications. It evaluates the legislation's impact on child labor and offers ways to improve enforcement and rehabilitation.

### **Conclusion**

This article aims to explore several subjects pertaining to children's rights and the challenges they face. I have engaged in conversations about health concerns, educational matters, poverty, child exploitation, and certain sections of the constitution, including Article 14, 15, 16, and 21A. I have analysed their issues in separate sections and provided my perspective on potential remedies in the form of responses to specific questions outlined in my abstract. Numerous articles and research papers on comparable topics

<sup>8</sup> Section 14 in The Child Labour (Prohibition and Regulation) Act, 1986

<sup>9</sup> <https://www.indianconstitution.in/2021/11/section-14-child-labour-prohibition-and.html>

may be found on various websites. Everyone has spoken their perspective, and I have done the same. However, the challenge is in how individuals handle this situation. While it may be simple to express opinions or engage in discussions, finding a resolution might prove to be challenging. Is it so challenging that we are unable to fix it? The solution is within our control; if we possess the desire to address it, we will indeed resolve it.

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