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## **VIOLENCE AND CRIME AGAINST CHILDREN IN INDIA**

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### **INTRODUCTION**

The childhood experiences of an individual have a profound impact on their perspectives, way of life, cultural identity, and personality. The developmental phase of childhood is a crucial period in an individual's lifespan. Offspring are likely to recollect the sentiment of being cared for, rather than the material possessions bestowed upon them. Offspring are unlikely to recollect individuals based on the material possessions bestowed upon them, said Richard L. Evans. Childhood is a time when a person's beliefs, ways of living, culture, and character are formed. At this age, what a person does and what they learn can have a big effect on how their personality develops. According to the United Nations Convention on the Rights of the Child, an individual is regarded to be a child if they have not yet attained the age of eighteen years, with the exception of situations in which the legislation of the nation in which they reside permits them to exercise their right to vote at an earlier age. In these cases, the individual is not considered to be a child.

Section 2(11) of the Child Work (Prohibition and Regulation) Act, 1986 says that a person is a child if they are under the age of 18. According to this law, a person is still a child if they are younger than 14 years old. A person is guilty of child abuse if they put a child through

any unwanted or unexpected events during this time in their life. This is because these things can affect the person's general development and well-being<sup>1</sup>.

There are 444 million youngsters in India who have not yet reached their 18th birthday. This equates to approximately 39% of the entire populace of the country. In India, children possess the entitlement to protection against maltreatment, neglect, and exploitation, regardless of their location, including within their familial setting. This entitlement applies to any circumstances in which the child may encounter. Instances of sexual abuse against minors persist in diverse contexts, encompassing the domestic sphere, educational institutions, and the wider community. This issue necessitates prompt attention. A study on the contemporary state of child abuse in India was conducted by the Ministry of Women and Child Development in 2007. The report was submitted to the government of India. Research findings indicate that around 53% of children have experienced some form of sexual abuse at some stage in their lives. The findings of this investigation revealed that a notable proportion of male participants (52%) reported experiencing severe sexual abuse perpetrated by another individual. In most instances, the perpetrator of child assault is a familiar and trusted individual to the child, such as a family member or acquaintance. As per the information provided by the National Crime Records Bureau (NCRB), the number of crimes committed against minors is steadily climbing (NCRB). The number of incidents that were reported under the POCSO Act has likewise grown over the course of time. The number of crimes committed against minors has increased to 1,48,185 in 2019, up from 1,06,958 in 2016. The statistics show that every single day in 2019, 130 children in India were victims of sexual assault, and it is anticipated that this number will climb to 350 children by the year 2020. (NCRB, 2021). The changes in the number of cases of child abuse that were reported to the National Criminal Records Bureau for its annual statistics during the past five years are depicted in graph 1, which can be seen here.

<b>Number of offences registered against Child</b>	<b>The Year in which Offence has been registered.</b>
1,28,531	2020
1,48,090	2019
1,41,674	2018
1,29,032	2017

In 2016, there were 1,06,958 cases reported, and in 2019, there were 1,48,090 cases reported. Nevertheless, in the first year of the COVID-19 pandemic, there was a decrease to 1,28,531 cases reported. Even though experts are worried about the changes, it is important to note that the government has taken a number of steps to reduce the effects of sexual violence on the health and safety of children. But one of the problems is that not enough people know about this. Together, the COVID-19 pandemic lockdown and the broad use of online learning and digital technology have made more children more likely to be abused. Because of the breakout in 2020, more rules were put in place, which made the problem of sexual abuse of young people, especially online, worse.

They are subjected to a various of wrongdoings, such as being sold, enslaved, exploited, subjected to physical abuse, and even being murdered. These atrocities are all taking place. However, this victimization begins much before the actual birth of the kid.

For instance, there is the practice of feticide, which involves determining the gender of the fetus and then inducing a miscarriage; if the unborn child is a girl, then she is murdered while she is still within her mother's womb. This activity has been going on for centuries, and with the advancement of technology, the act has been completed. Despite the fact that several laws have been enacted, it is still legal to carry out this practice in certain regions of the nation.

In addition to this, a kid may also be the victim of a number of other kinds of wrongdoing. The following activities are considered to be illegal: child trafficking; sex tourism; incest; child rape; child pornography; the devadasi system; and prostitution.

### **RESEARCH HYPOTHESIS**

The implementation of legislative measures and the formulation of policies and initiatives aimed at enhancing the well-being of minors and protecting them from unlawful conduct are imperative actions, but they are not sufficient on their own to address the myriad of criminal concerns that are associated with children. In order to accomplish one's goals, one must first draft legislation and policies, then put them into effect and oversee them on a consistent basis. Hence, ensuring the implementation of regulations concerning the well-being and safeguarding of minors against unlawful conduct is an additional area of apprehension. As previously stated, the Indian government has implemented a significant number of legislative measures with the objective of safeguarding the well-being and security of minors. However, issues emerge when they are put into practice. Therefore, the Hypothesis for this Paper are as follows: -

- 1) The effective implementation of laws pertaining to the protection and welfare of children is contingent upon the society's diligent oversight of the corresponding laws, policies, and programmes.
- 2) Teaching children about the rights that they possess is one strategy for preventing them from becoming victims of crime. The rights need to be brought to the attention of children. Basically, to educate them about their rights in School itself.
- 3) When crimes are committed against children, people do not come forward to disclose the crimes, cooperate with investigators, or offer assistance for plenty of reasons. Some of them include the attitude of the police, which is uncooperative; lengthy court proceedings; and witness harassment by the police and lawyers.

### **CHILDREN: INDIA'S FUTURE**

In this new millennium, in recent times, the issue of children's rights has emerged as a highly contentious topic of discussion. Despite living in contemporary times, children continue to belong to a marginalized demographic in terms of the acknowledgement of their human rights and their societal value. The primary rationale behind this distinction is that children are not yet regarded as fully developed political agents in the conventional sense. Individuals are susceptible not only to physical harm, but also to mental and financial vulnerabilities. In the contemporary era of globalization, characterized by rapid transformations, ensuring the preservation of children's rights at all levels has emerged as an additional responsibility. This phenomenon has implications not only for the overarching monetary framework, but also for the social and financial requirements of individuals in the present context. Ultimately, however, a fragmented and limited strategy was employed to incorporate them into the

societal and governmental framework. This assertion holds true despite the likelihood of the child exerting a significant influence on the inescapable outcome of mortality<sup>1</sup>.

This miscalculation takes a much more dramatic turn for the worst whether a youngster is transitory, nonconformist, destitute, a child laborer, a fortified worker, a home helper, a child on the road, a genuine child, or a child who is psychologically or physically handicapped. Under these circumstances, they continue to exist in usually uncared for state and have become extremely defenseless against the criminal activity that is carried out against them. The violation of the rights of children is considered to be morally reprehensible. Several significant factors contribute to the vulnerability and mistreatment of children, including insincerity, misguided deliberation, improper introduction, inadequate guidance, and the absence of a sound and standardized savings framework. The phenomenon commences with authentic negative conduct and expands to societal unawareness and inadequate parental upbringing. The children will serve as the custodians of all prevalent concepts, including those pertaining to sovereignty, the rule of law, justice, liberty, brotherhood, and global peace and security. It's possible that they are the material representations of our core beliefs, long-term objectives, and hopes and dreams for the future<sup>2</sup>. They are the only ones who can transmit our ideas, our knowledge, and our cultural inheritance. In point of fact, they are the future political leaders, scientists, administrators, philosophers, legislators, educators, judges, technologists, industrialists, planners, and workers of the nation. As a result of the increased focus on human development, the attention of the entire world has been drawn to children as the most important future human resource as well as primary education as the core of education, which is in turn a component of the developmental process. This is due to the fact

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<sup>1</sup>CIF (2014) The statistics children in india

<sup>2</sup>Carlson B. E. (2000). Children exposed to intimate partner violence: Research findings and implications for intervention. *Trauma, Violence, and Abuse*, 1, 321–342. <sup>5</sup>CIF. (2014). The Statistics: Children in India and Census

that children are seen as the most important future human resource. As a direct consequence of this, the significance of the kid and their right to an elementary education have been emphasized in a number of international treaties.

Juveniles are a valuable gift not only to their own country but to the whole world. Teenagers are not just young people on their way to becoming young adults. These people are just starting to grow up. Their bodies are still fragile, and they have all the characteristics of humans. But they also help keep the peace in small ways. Children shouldn't be treated like things, so families shouldn't be able to keep them all to themselves. They have a lot of room to grow and change into adults in the future. Children should not have to deal with family businesses because they are not goods. They are important because they help societies grow and get better, which shows how important they are<sup>3</sup>.

Also, we need to be conscious of the fact that attempts to ameliorate the plight of humans need to get off the ground as quickly as possible and focus on the mother and child, and ideally. The right of today's children to be healthy and get an education is not only the most important right of all, but it is also the single most important investment that can be made in the development of the society.

Throughout the beginning of time, children have been subjected to abuse in one way or another. It is reasonable to suppose that they are subjected to a significant amount of neglect. There has never been a time that could be called the "golden age" for children. During the course of the development of our society, children have been murdered, bought and sold, made into slaves, subjected to maltreatment, and exploited. They have been severely beaten, as well as subjected to physical violence and abandonment. In point of fact, the treatment of children appears to have been crueler and more deplorable in the past, the further back in time

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<sup>3</sup> Dalal, K., & Lindqvist, K. (2010). A national study of the prevalence and correlates of domestic violence among women in India. *Asia-Pacific Journal of Public Health*, 24(2), 265-277.



we go. The status of mankind and the existence of poverty are two major factors that have led to the murder of children.

Paradoxically, the adults in society have seldom ever provided the children with full protection, which is something that the children have hardly ever experienced.

It is fortunate that infanticide is rarely practiced on a broad scale; nonetheless, stray incidents cannot be ruled out. Yet, there are circumstances in which unwed women still dump their unwanted kids in places such as fields, enormous dustbins, pits, and tanks, among other places. Even in this day and age, children, are subjected to sexual exploitation. The media are filled with reports of adults acting in an inhumane manner toward young boys and the raping of young females who are underage. This is the accurate depiction of the contentious relationships<sup>4</sup>.

However, there exist reasons to maintain a positive outlook. Currently, there is a growing societal consciousness regarding the well-being and status of children. To prevent exploitation of individuals, states have implemented reduced criteria. Numerous global organizations are managed by social workers with the aim of ensuring the well-being and safety of children. Improvements have been observed for the children residing in India. In conjunction with governmental efforts, numerous non-governmental organizations (NGOs) are endeavoring to enhance the standard of living for children by prioritizing their social, medical, and educational necessities.

India has a population of about a billion people, and about a third of them are under 18 years old. About 2.1 percent of the country's people move there every year. The tenth biggest economy in the world has a Human Development Index (HDI) score of 127, which is not

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<sup>4</sup> Felson, R. B., & Pare, P. (2005). The reporting of domestic violence and sexual assault by non-strangers to the police. *Journal of Marriage and Family*. 67(3), 597-610.

good. If every measure of children's rights was added as a parameter to the Human Development Index (HDI), India's position would drop by a lot. This is especially worrying because the country has a terrible track record of protecting the rights of children.

China has a population of over 1.35 billion individuals, making it the most populous country globally. India is the second most populous country in the world, with a population of 1.21 billion. India accounts for approximately 17.31% of the global population, signifying that one in every six individuals inhabits the country. The annual projected number of births in

India is estimated to be 26 million, surpassing the total population of Australia by nearly 4 million. Between 2001 and 2011, the aggregate populace of the nation experienced an increase of 181 million individuals, while the demographic of children aged six years or younger exhibited a decline of 5.05 million. This represents a significant departure from the typical state of affairs.

There has been a drop of 2.06 million fewer male births and there has been a decrease of 2.99 million fewer female births. When compared to the results of the Census taken in 2001, the percentage of children under the age of six as a fraction of the total population was 2.8% lower in 2011. India hasn't kept the promises it made to children in its Constitution and in a number of other national and foreign laws that are legally binding on the country. This is despite having a number of programs and policies in place. Even though there is a Constitution in India, this is still the case. The fact that more and more children are forced to live in dangerous places and that there isn't enough money for this cause makes it very hard to put plans and rules into place that are meant to keep children safe. This challenge is made more difficult by the lack of a sufficient financial commitment to child safety<sup>5</sup>.

Conducting a situational analysis is imperative to adequately prepare for the requirements of children residing in difficult circumstances, as there exists a dearth of comprehensive and

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<sup>5</sup>supra note 7

precise data pertaining to these cohorts of children. It is imperative to address the requirements of children who are residing in arduous conditions.

Despite 65 years of independence and a functional government, insufficient progress has been made in fulfilling the requirements of children in need of care and protection. This issue has endured despite the presence of a functional governing body. The existing framework of minimal government is considerably limiting, and a significant portion of resources and energy are allocated towards upholding the framework instead of directing attention towards the attainment of programmatic objectives. This is due to the highly restrictive nature of the framework.

The Ministry of Women and Child Development supervises several child protection programmes, such as the Integrated Programme for Street Children, the Programme for Juvenile Justice, the Childline Service, the ShishuGrehā Scheme, the Scheme for Working Children in Need of Care and Protection, the Rajiv Gandhi National Crèche Scheme for Children of Working Mothers, and the Pilot Project to Combat Trafficking in Women and Children for Commercial Sexual Exploitation. The Scheme for Working Children in Need of Care and Protection and the Scheme for Working Children in Need of Care are two distinct child protection programmes that serve as supplementary measures. A comprehensive investigation of these programmes has revealed inadequacies in their infrastructure, organizational structure, and outreach services provided to children. The aforementioned data was revealed consequent to the conducted research.

As per the National Policy for Children, instituted in 1974, provisions are made for the protection and welfare of children, both prenatally and postnatally. Currently, it is imperative to implement this aspect of the policy<sup>6</sup>.

The presence of "son preference" within a given society and community, as well as the corresponding social and communal encouragement for early disposal, are noteworthy phenomena. Additionally, the unanticipated adverse effects of family planning messages that promote small families and adherence to a two-child standard must be considered. Furthermore, the persistence of child marriage and the increasing prevalence of the sale and trafficking of individuals through fraudulent marriages warrant attention.

### **CHILD: IT'S LEGAL DEFINITION**

- 1) The U.N. Convention on the Rights of the Child from 1989 says that a "child" is any person under the age of 18 unless the law that applies to the child says that the person can become an adult earlier<sup>77</sup>.
- 2) Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act of 2000 says that a "juvenile" or "child" is someone who hasn't turned 18 yet. 17 In India, the national policy for children says that children are the country's most valuable resource. If we want our future to be safe, this national asset must be kept in good shape no matter what. But it looks like the future of modern societies is bleak because of the bad behavior of children in every society. This behavior has gotten deep into almost all parts of modern societies and has become firmly established there.

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<sup>6</sup>UNICEF. (2009). Behind Closed Doors: The Impact of Domestic Violence on Children. UNICEF.

<sup>7</sup>Article 1 of the UN Convention

- 3) In the Indian Christian Marriage Act of 1872, the word "Child" is not defined. Instead, it defines the word "Minor" as a person who hasn't turned 21 yet and who is neither a widow nor a widower.
- 4) When a youngster reaches the age of 18, regardless of where they were born, they are considered an adult in India. On the other hand, different statutory provisions approach children using a variety of different definitions. In the reporting of demographic statistics, the age categories ranging from 0 to 14 years, 15 to 59 years, and 60 years and older make up a standard that is generally accepted. While statistics are being generated for various cross-sections of children that align with specific age-groups standing for specific target groups of children such as child laborers, children in school education, children involved in crimes, etc., the legal and constitutional provisions pertaining to children are kept in mind. These provisions include protections for children and their rights.
- 5) The Majority Act of 1875, does not explain what "Child" means. It says that a person who lives in India doesn't become an adult until he or she is 18 years old, and not before<sup>8 8</sup>
- 6) The Reformatory Schools Act of 1897 doesn't say what the word "Child" means either. It says that a "Youthful Offender" is a boy who has been convicted of a crime that is punishable by transportation or imprisonment and who was under 15 years old at the time of his conviction.
- 7) The Oxford Dictionary of English says that a "child" is a young person who has not reached full physical maturity.

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<sup>8</sup>Act No. 9 of 1875

- 8) 1890's Guardians and Wards Act, also doesn't explain what the word "Child" means. It says that a "minor" is a person who, according to the Indian Majority Act of 1875, is not considered to have reached the age of majority.
- 9) According to the Child Marriage Prohibition Act of 1929, a person is considered to be a child if they have not reached the age of twenty-one for men and eighteen for women, respectively.
- 10) The Indian Succession Act, 1925, Section 10 does not define "Child." It specifies that the term 'Minor' refers to any person subject to the Indian Majority Act, 1875 who has not attained his majority as defined by that act, as well as any other person who has not reached the age of eighteen.
- 11) According to the Immoral Trafficking (Prevention) Act of 1956, a "child" is defined as anyone under the age of sixteen<sup>9</sup>. 1956's Hindu Minority and Guardianship Act, not define the term "Minor" Instead, it defines the term "Minor" as an individual who has not reached the age of eighteen<sup>10</sup>.
- 12) The Children Act of 1960 says that a "child" is a boy who is younger than 16 years old or a girl who is younger than 18 years old<sup>11</sup>.
- 13) The Orphanage and Other Charitable Homes (Supervision and Control) Act of 1960 says that a "child" is a boy or girl who hasn't turned 18 yet.
- 14) The Maternity Benefit Act of 1961 says that a still-born child is a "Child."

## **RIGHTS OF CHILDREN IN INDIA**

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<sup>9</sup>Sec. 3 Child Marriage Prohibition Act, 1929

<sup>10</sup>Sec. 4 (a) Reformatory Schools Act, 1897

Infants are bestowed with a designation, undergo official registration with the governing body, and are ascribed a citizenship (to establish a connection with a nation). Additionally, individuals ought to possess the entitlement to be recognized as an accessible record. This ensures provision of support at the national level and facilitates entry into social institutions.

- *Right to Family:* If there is no family available, the children will have the opportunity to benefit from the care provided by the caretakers. Youngsters ought to stay living with their parents until it becomes unhealthy for them to do so. In any case, the term "family reunification" refers to the practice of granting permission for members of a family who live in different countries to travel to one another in order to restore communication between relations. If they are being cared for by a guardian or a family, they should be kept away from other people to protect their way of life and past from being attacked. Children who can't live with their families deserve special care from people who respect their culture, religion, language, and ethnic group. Even if a child does something wrong, they still have the right to more help and encouragement. If a child does something wrong, they have the right to get legal help through a juvenile court component, which has the fair and expeditious objective of procedures.
- *Right to health facilities:* If they are being cared for by a guardian or a family, they should be kept away from other people to protect their way of life and past from being attacked. Children who can't live with their families deserve special care from people who respect their culture, religion, language, and ethnic group. Even if a child does something wrong, they still have the right to more help and encouragement. If a child does something wrong, they have the right to get legal help through a juvenile court component.

- *Right to give their Opinion:* All children and adolescents under 18 should be able to say what they think and feel without worrying about being judged or made fun of. When adults make decisions that have a direct effect on the well-being of minors, it's fair to give those minors a chance to have their thoughts taken into account. Even though children's opinions may not be based on facts, they are still a valuable source of information for parents and should be taken into account. One reason is how different a child's developmental level and chronological age are. According to set rules, minors have the right to express themselves freely, as long as they don't do anything that goes against social norms or ethical standards.
- *Right to education to Children:* A child should have the right to free education because it is fundamental to helping them flourish in discipline and significant capabilities while also finding a safe and wonderful environment to support a child's mental development. This also includes liberation from hopelessness, viciousness, and degradation.
- *Right from not getting exploited:* Protecting children from being victimised by other people is an essential step in rescuing them from being exploited. This is because exploitation is frequently accomplished by dishonest or illegal means. This applies to situations in which parents subject their children to physical abuse, disregard, or hostility, and it does not matter whether or not such methods are approved for use as a form of discipline within the context of the family home; this still applies. In addition, it is against the law to coerce people under the age of 18 to work in conditions that are harmful or exploitative. It is legal for children and teenagers to hold jobs that pay them money as long as those jobs do not endanger their health, prevent them from going to school, or prevent them from participating in activities that take place outside. In a similar vein, sexual exploitation, which is a form of exploitation, is not allowed



because of the exploitative character of the practice, which benefits the interests of the offender at the expense of the victim. Individuals who have been subjected to neglect, manipulation, and other forms of cruelty have the right to get individualized support services that will assist them in successfully recovering and reintegrating themselves back into the community. In a similar vein, the use of physical punishment on children under the age of 18 is severely prohibited without any kind of exemption, and this rule applies regardless of the legal jurisdiction in which the occurrence takes place. It is forbidden to impose the death penalty or life punishments on mature inmates.

## **CRIME AGAINST CHILDREN**

A distinct categorization for transgressions perpetrated against minors and young adults is not present. Crimes perpetrated against children or offences in which children are the targets are generally classified as crimes against minors. The aforementioned transgressions are classified as felonies due to their perpetration against minors. The Indian Penal Code and various "Special and Local Laws" provide comprehensive information on crimes perpetrated against children, with the aim of safeguarding and preventing such offences. The subsequent headings offer elucidations on the diverse elements that contribute to the victimisation and mistreatment of minors.

*These offences are as follows :- a)*

### **Child Sex Tourism**

The word "Commercial Sexual Exploitation of Children" refers to the act of sexually exploiting children for money or other forms of payment, which can be given directly to the child or to a third party. There are many ways that minors are sexually exploited for money, including child sex tourism, which has a lot to do with the travel and tourist

industry. The term "child sex tourism" refers to the sexual exploitation of children by travels or people who take advantage of the fact that the children are tourists. Child sex tourism is a form of child prostitution that is connected to the tourism industry. In this type of child prostitution, kids are seen as sexual and commercial goods to make money. Also, it's important to note that child sex tourism is directly addressed in both the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, which was officially approved in 2000, and the WTO Global Code of Ethics for Tourism, which was set up in 1999. In Chapter 2, the thesis went into detail about the rules stated above and gave a thorough analysis of them. The Goa Children's Act of 2003 told India's Tourism Department to work with Goa's Travel and Tourism Commerce to come up with a similar "Child-Friendly Tourism Policy" for Goa. This responsibility was given to the Tourism Department in India.

### **Child feticide**

Female murder has a long history in India, and it's horrifying to note that each area has its own set, customary method of killing young girls, such as submerging them alive in clay pots, drowning them in milk buckets, or giving them salt. Dr. Diana Russell gave her first testimony about a crime she dubbed "feticide" in 1976 at the first International Commission on Crimes Against Women, which was held in Brussels, Belgium. She described it as "the murder of women and children" solely for being female. Female feticide is the intentional chosen abortion or eradication of a female child in the pregnancy after the gender of the child has been determined through medical means<sup>39</sup>. The woman may feel pressure to meet this standard from her husband, in-laws, or parents. Still, the traditional practice of killing an unwanted baby isn't as bad as killing a female child during pregnancy. The main things that lead

to female feticide are the social and economic policies and social norms of the place where it is common. The practice in question is caused by many things, such as a cultural preference for boys, an old way of passing on property, the decline of women's position in society, the legalization of abortion in India, and the illegal practice of choosing a baby's gender. New medical tools like CVS, amniocentesis, and ultrasound have made it easier to figure out the sex of a fetus, and population decline are all effects of female feticide

**Child Abuse:**

Child abuse is a disturbing feature of the contemporary world that is a very common and well-known occurrence. A physical and mental torment for an innocent, vulnerable, helpless kid has become a very regular occurrence in today's world. The consequences of this trauma can be severe and long-lasting, destroying the very foundations of the victim's physical and mental constitution. An act that is meant to damage or jeopardize a child's mental or bodily growth is referred to as child abuse. It also covers careless behavior toward children. Regardless of culture, faith, nationality, or wealth, it can occur at any level of a society. Depending on the intensity and regularity of the abuse, the child's age, their connection with the offender, the availability of mental support, and their ability to manage, the impacts of abuse can differ from child to child. With the right medical care, the physically injured and harmed exploited kid can eventually make a full recovery. Child exploitation, child weddings, child prostitution, child erotica, child sex tourism, using kids as beggars, and using kids in violent battles are just a few examples of the many ways that kids are abused.

**Child Marriage:**

The practise of child marriage has a substantial effect on the health and well-being of children. It is evident that this phenomenon hinders the physical, mental, emotional, and intellectual development of children. In *Smt. Seema v. Ashwani Kumar*, the Supreme Court opined that requiring the registration of marriages would be a positive measure as the prevalence of child marriage persists in several regions of the country. The Court ordered state governments that have not yet enacted legislation to formalise marriage registration to take the necessary steps. The 19 December 2007 directive mandated that all citizens, regardless of their religious affiliations, must register their marriages within three months. In addition, the states were instructed to solicit public opinion regarding the issue.

**Child Prostitution:**

Child prostitution is the sexual exploitation of juveniles for monetary compensation or other forms of remuneration such as gifts, food, clothing, etc. This form of conduct is considered sexual abuse. These juveniles are employed by prostitutes, parties, massage parlors, hotels, and restaurants. Boys and females are both forced into prostitution. In India, devadasi is one form of child trafficking. Several centuries ago, in certain regions of India, a custom developed in which a small number of women were married to gods and given the names Devadasis, Jogins, Basavis, Kalawants, Paravatis, or Mathammas. The women of God resided in or close to the sanctuaries. They volunteered at churches and participate in religious ceremonies. They were a crucial element of numerous large Hindu shrines. In addition to their sacred responsibilities, the Devadasis were an artistic society. They performed dance and singing at the sanctuary as well as at private events. Devadasis were traditionally invited to weddings and family events by the privileged.

**Child Labour:**

The words "Child Labor" and "employed child" and "working child" are all used to mean the same thing. But child labor can also be thought of as the part of the youth population that works for money or for free. Child labor has been morally wrong in India for a long time. In Kautilya's Arthshastra, there are references to domestic servitude, which was during the Middle Ages, children worked for artisans and craftsmen as apprentices. Also, it is not unheard of for people to be forced to work in India. Child labor is preferred. Also, minors can easily be punished for small offenses. This kind of child labor needs to be dealt with at the national or international level. Several ILO Conventions and Recommendations make it illegal for children to work abroad. In the same way, there are a number of Indian laws that make it illegal for minors to work in different places.

**Child Trafficking:**

The practice of transporting children is not a recent development. Since the dawn of human civilization, women and children have been traded for money and other goods. Because there is a market for children, human trafficking will continue to exist. The supply is readily available because children are the most defenseless segment of society and can be easily manipulated, bullied, purchased, and sold as a result. It is generally believed that children are trafficked for the purpose of sexual exploitation; however, trafficking of children for forced labor, enslavement, captivity, marriages, and the removal of organs is also very prevalent. Other frequent reasons for trafficking include: Children who have been trafficked are almost always exploited for labor in brick kilns, workshops, construction work, sweatshops, as household employees, and for prostitution and pornography.

**PREVENTION AND STRATEGIES**

**Crime and Offences Against the Unborn and Newborn**

The crimes listed in Sections 312–318 of the IPC, 1860 that target newborns and unborn children include, among others, those that result in a miscarriage, wound the unborn child, result in the child's rejection or exposure after birth, or involve the concealment of a birth or the disposal of a body.

- a) **Causing miscarriage of a women voluntarily:** The provisions of the aforementioned Sections apply in situations where a miscarriage is intentionally induced. The offence of inducing a miscarriage requires the mens rea or intent, as defined in Section 39 of the IPC, which characterizes "voluntarily" as the purposeful employment of measures that are recognized to have an effect. The presence of intent or mens rea is a necessary condition for the classification of this offence as a misdemeanor.
- b) **Women quick with Child:** Section 39 of the Indian Penal Code says that in order to commit the crime of causing an abortion, a person must have mens rea, or the desire to do so. The word "voluntarily" means to use methods on purpose that are known to get the result you want. For the above offence to be considered a misdemeanor, it must be proven that the person did it on purpose, which is called mens rea. to a fine<sup>12</sup>.
- c) **Responsibility to take care of a child:** According to Section 317 of the Indian Penal Code, it is obligatory for both parents to provide care and protection to their child, regardless of the child's legitimacy. This is in contrast to the Guardians and Wards Act 1890, which assigns the father as the customary guardian of the child. The individual who has been given the responsibility of caring for and ensuring the safety of a child

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<sup>12</sup> [1996]RD-SC 1576

is subject to a comparable level of obligation and risk as the child's guardians, as stipulated by Section 317 of the pertinent legislation., and thus, as highlighted in *Emperor v. Blanche Constant Cripps and Anr*, child care center, orphanage, and so on are completely included under it.

- d) **Concealment with regards to birth of a Child:** A person is guilty of concealing the birth of a child under the provisions of Section 318 of the Indian Penal Code if they make an effort to hide or dispose of the dead body of the child, regardless of when the child passed away—before, during, or after the delivery of the kid. This provision applies whether the child passed away before, during, or after the birth of the child. In the event that the individual in question is found guilty of the offence described in this particular section, they will be liable to a maximum imprisonment term of two years, pay a fine, or do both. Also, in the case of *Radha v. State of Rajasthan*<sup>13</sup>, "it was said that if the child was alive at the time of such secret disposal, that would not be a violation of this section, but would be a violation of another section of the IPC."
- e) **Injury:** The regulations regarding injuries caused to an unborn child are anticipated in sections 315 and 316 of the code. The aforementioned scenarios pertain to situations where an action is executed with the objective of impeding the live delivery of a child or where an act that constitutes blameworthy homicide is committed with the aim of inducing the demise of a rapidly unborn child. Furthermore, these scenarios encompass instances wherein an action that constitutes culpable homicide is executed with the aim of impeding the live delivery of said child.
- f) **Exceptions:** There are two methods to avoid prosecution for inducing a miscarriage or abortion: Will's work is worth praising. Section 312 of the Indian Penal Code says

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<sup>13</sup> AIR 1978 SC 597; (1978) 1 SCC 248

that people are not guilty if they perform an abortion to save a woman's life, as explained in Section 52.

A creative approach to child raising and attentiveness to the needs of families are essential components of an anti-abuse strategy. When it comes to teaching children how to safeguard themselves, one of the most important components is instructing them in how to build consciousness and overcome fear. It is possible that educating children on the safest and most effective ways to defend themselves against child predators, specifically predators that the child may already know, is the most effective defense against child kidnapping. Parents and their children's consciousness are key to the success of various strategies for preventing the kidnapping of children and expanding education programs that teach children how to protect themselves against child molesters and strangers who may abduct them. Working with children to develop consciousness and mental resilience is an important component of teaching them how to practice self-protection. Because we are unable to be with our children 24/7, it is imperative that our kids be able to identify potential threats or problems on their own and come up with solutions on their own.

- *Shifting the trend of violence and building awareness:* National initiatives must address cultural ideas that encourage violence against children in any given situation. Childrearing initiatives have the potential to change cultural norms surrounding the tolerance of violence, foster positive parent-child connections, and alleviate harsh parenting habits. Educational programs undertaken in schools have the potential to teach children how to effectively resolve conflicts through nonviolent means, how to regulate their emotions, how to build interpersonal skills, and how to safely manage abusive situations. Individual health and self-defense can be promoted through



awareness. It is critical to be conscious and alert before employing any strategies, approaches, or systems for personal protection or self-defense. There are no infallible tactics or security apparatuses that can guarantee total assurance of individual safety and safeguarding. Given the fluidity of our modern culture, it is impossible to adequately define or secure safety. The individual bears complete responsibility for personal security, which cannot be delegated to third parties. Personal security measures must be adaptable because they must be evaluated on an ongoing basis.

- *Implementation of Policies:* It takes money and better amenities across the board to create safe environments for girls, boys, and teenagers. This category of establishment includes a comprehensive range of services, ranging from a secure location for reporting abuse in both physical and virtual settings, to the delicate management of child victims by the legal and judicial systems, to the provision of physical and mental health assistance by the welfare system. Numerous nations are required to enhance their social service frameworks and provide training to social workers to assist minors who have experienced maltreatment. Additionally, it is imperative to reinforce structures and facilities to guarantee the safety of children during a crisis.
- *Educate Children to use their Rights:* Small children and adolescents have the potential Individuals can exert influence not only on their personal lives but also on the lives of their relatives, communities, and neighbours, thereby affecting their own lives as well. Initiatives focused on presentations within schools and communities have the potential to promote awareness among young individuals, including both males and females, regarding various forms of violence and the importance of seeking assistance when necessary. Educational programmes aimed at equipping adolescents with life skills and vocational training can effectively enhance their readiness for the

financial responsibilities associated with adulthood, thereby enabling them to delay the onset of parenthood until they are adequately prepared. These programmes may assist adolescents in getting ready for the financial obligations that come with adulthood. The modification of gender norms that tolerate aggressive conduct can be advantageous for children and adolescents as it may facilitate the development of more equitable and tranquil relationships.

- *Strengthening legal framework:* Plans at the national level that are well-thought-out and well-facilitated must guide actions. The most encouraging strategies involve comprehensive, multifaceted activities that involve both the government and the general public and rely on evidence regarding what tries to avoid and address violence. Additional law and policy changes can also help safeguard children from damage, compensate victims, and alter attitudes toward treating children with respect and these initiatives need to be supported by rigorous oversight and implementation.

### **FUTURE STRATEGIES FOR COMING CHALLENGES**

India experiences infant mortality, child marriage, child widowhood, sex tourism, and child exploitation within its own boundaries for prostitution, child abuse, and labor, just like other developing nations. Many issues need to be resolved. The most difficult group to get along with is undoubtedly children. Thus, it is necessary to create a society where kids come first. The legal structure should describe how the laws relate to the CRC's rights and regulations. The kid will be able to obtain justice as a result through the legal system. There should be connections between all of the children's performances and they should be evaluated in light of the CRC and its regulations. The Indian judicial system must come to an agreement to uphold children's rights and provide them with fairness. It is insufficient to simply give the child a reasonable opportunity. The best way to halt this

type of abuse is unquestionably for everyone who works in the facility, such as physicians, instructors, attorneys, judges, cops, volunteers, parents, worker's groups, and social workers, to be aware of it and be familiar with how to manage it. In this manner, they can react in a way that reduces the likelihood of mistreatment if it does occur.

Lack of collaboration and cooperation between various organizations is a further issue. The majority of law enforcement agencies might not consider internet sexual assault to be a safety concern. "Cybercrime" often called to sexual assault that takes place online or offline. E-crime or cybercrime police divisions frequently concentrate on organized crime and fraud, so it's possible that they don't know much about or care about kid safety. Legally, websites that profit from authorities with expertise in deception or terrorism. However, much of the planning and sharing of images of sexual abuse does not fit into this group. Police must demonstrate their concern for the kid, which they sometimes do by conducting their own independent investigations into internet child abuse and trafficking.

In conclusion, these issues require prompt resolution. Above all, it is important to adhere to the general law concept that all methods, plans, and protocols should be established, and all actions should always be carried out. Give it the nourishment of rights, the treats of freedom, and the love and care of parents and the state with the assistance of society, and watch it blossom into a lovely bloom. The battle to uphold children's rights will be protracted.

### **LANDMARK DECISIONS BY THE JUDICIARY**

Children are an important Human Resource for the country. The upcoming on how well its children grow and learn. Milton, a well-known poet, said that a child shows a man as much

as a sunrise shows a day. So, everyone has to take care of every child with the main goal of making sure that the child's personality grows to its full potential.

***Few of the important Judicial pronouncements are as follows:-***

- *Neerja Chaudhary v. State of MP*: According to Justice P.N. Bhagwati, a worker can be deemed a bonded slave if they are compelled to work without remuneration or receive a meagre wage. This holds true irrespective of the owner's or State Government's dissent towards the presumption of the individual in question being a bonded laborer and their attempts to refute the same. The Court prioritized the release of individuals from their indenture agreements and their repatriation to their respective homes.
- *MC Mehta v. State of TN & Ors*: In light of this circumstance, The plaintiff in the present case, M.C. Mehta, an Indian activist, initiated legal proceedings against the state of Tamil Nadu with the objective of enhancing the working conditions for minors and providing them with a secure educational environment, free from hazardous labor. The allegation is aimed at the governmental entity of Tamil Nadu. The Indian Supreme Court's ruling that Article 24 of the nation's constitution mandates the government to ensure that compulsory education is accessible to all children without any financial burden represents a significant stride towards progress. The aforementioned determination was rendered by the highest judicial body in India, namely the Supreme Court. The Supreme Court of the United States has rendered a decision that prohibits the employment of minors under the age of 14 in hazardous occupations. Additionally, the Court has directed the government to establish and maintain a fund to provide rehabilitation assistance to children who have been subjected to child labor. Furthermore, the court has decreed that hazardous occupations cannot employ individuals above the age of 14. In the event of non-compliance with child labor

regulations, companies would be mandated to provide a contribution to the reserve. Additionally, the government would be obligated to extend financial assistance to parents of minors employed in hazardous occupations or alternatively, make a payment to the reserve. Corporations found to be in violation of regulations pertaining to the employment of minors would be obligated to provide a financial contribution to the designated fund.

- *Machhi Singh & Others v. State of Punja*<sup>6</sup>: Because the victim of this murder was an innocent child who couldn't have or hadn't given any reason to kill, much less a reason to kill, or if the murder was committed in a manner that was so cruel, unusual, hateful, disgusting, or torturous that it infuriated the community, the Punjab Court stated that this was one of the rarest of the rare cases in which the death penalty was appropriate. In other words, this was one of the uncommon instances where the death penalty was warranted. This is due to the fact that the murdered infant was innocent and either lacked a motive for murder or was incapable of having a motive for murder. When deciding whether or not to impose the death penalty, the court typically considers the following factors: the nature of the crime, the severity of the offence, the victim's vulnerability, and the method by which the crime was committed. As a result, the death penalty is only imposed in the most heinous crimes.
- *JP Unnikrishna & Ors v. State of A*<sup>7</sup>: The Supreme Court of India has decided that the Constitutional Right to Education, which is written in Article 21 of the Constitution of India, is a right for all Indian residents. This right is not an absolute or unquestionable one. Children in this country can go to school for free until they are 14 years old. After that point, his right to an education has effects on both the government's budget and its overall growth.

