

# Child Abuse In Household & Schools In India: Legal Recourse To Rescue

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## Abstract

Abuse on any person in any form can never be justified. Children and adolescents are the most vulnerable people who are affected by such abuse. Children can suffer from abuse within the household or outside (corporal punishment, mental harassment, bullying in schools). Domestic violence or the violence behind closed doors is the worst form of abuse as the perpetrator is known and, in most cases, no one can come for help at the very moment. Any child who has experienced or seen such physical, mental or sexual abuse at home carries a scar for life. Home is always considered as the safe place but when such safe place fails to give a healthy and protected environment, children are the one who suffers the most. Domestic abuse means when the perpetrator of crime is from the victim's family and is known to victim. The perpetrator could be any one from the family. The term domestic violence and abuse on children means any incident or pattern of incidents in which a child is victim that means he or she has been injured either physically, sexually or emotionally or where he or she is the silent victim when such violence is performed on his or her parents or on any other family member and he or she is the witness. A child suffers in both the cases when he or she is the direct victim and when he or she is the indirect victim or silent victim. Whereas when it comes to schools, abuse can be of physical or mental form. Child abuse where inside or outside household is detrimental to the academic and psychological wellbeing of the child. In this paper an attempt is made to analyze the impact of abuse on the young mind and body and how Indian laws are dealing with these kinds of incidents by providing durable solutions.

**Keywords:** Violence, Corporal, Children, Psychological, Abuse, Household, Schools

## I. Introduction

According to oxford dictionary 'Child' is defined as a young human being below the age of full physical development.<sup>1</sup>The U.N. Convention on the Rights of the Child, 1989 defines that term 'Child' means any human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.<sup>2</sup> Children are the foundation of human society. The shape of future human society shall be determined by their mental and physical well-being. Child abuse is one of the

biggest problems affecting families and societies. It happens all around the world, in all countries and societies; all too often it happens in the family. Child abuse is a broad reaching term that encompasses numerous types of child maltreatment. Child trafficking, forced labor, child soldiering, intimate partner violence and domestic violence are a few of the most common offenses. According to the World Health Organization, 1 in 2 children ages 2 to 17 suffer from some form of abuse each year.<sup>3</sup> Abuse against children occurs when

perpetrators such as relatives, teachers, community members, peers or strangers violate a child's physical, sexual or emotional well-being. Abuse against children is a global crisis and a human rights violation. Victims exist in every country. Unfortunately, in spite of there being a number of resolutions and laws both at national and global level, the condition of children is far from satisfactory. History is the witness that this innocent and helpless creature has been subject to variety of exploitation.<sup>4</sup>

Violence & abuse can affect a child for the rest of their life, with severe consequences for a child's physical, psychological and mental health. Without adequate support and care, violence and trauma can have long-term effects on a child's development and future life. Children who have experienced violence are also more likely to perpetuate the circle of violence, passing on patterns of violence to their peers or to future generations. Just as the personality of an adult is built in his or her primitive years, the development of a nation is determined by the priority given to his child. The children are the supreme assets of the nation; hence in national policy child's care should occupy the most prominent place. Specific care needs to be taken that children grow up to become agile citizens, physically fit, mentally sound and alert and socially and morally healthy. Therefore, ending violence against children is not only important for each child's rights, but also for healthy communities and societies.

India is home to over 19 percent of the world's children, making it the country with the largest child population in the world. Regardless of every affirmative action taken with respect to children through numerous acts and amendments, their condition has not changed much over time. The fact that children are the most vulnerable section of the society

has not varied even after decades of independence. Initiating from the first 5-Year Plan, successive governments came up with various policy reforms and laws for changing the conditions of children and uplifting their standards of living. Yet exploitation, abuse, labour and abandonment remain the ground reality of children across India.<sup>5</sup> Half of the children in India face some form of sexual abuse, with 21% having faced severe sexual abuse. Boys accounts for 53% and girls account for 47% of all children reporting abuse.<sup>6</sup>

## II. Background of Study

Child Abuse can be defined as any act, failure or negligence on the part of any individual; adult or child, that leads to a severe threat to the life and development of a child and results in prolonged physical and psycho-social impacts on his/her health and wellbeing. Child abuse is that state of emotional, physical, economic and sexual maltreatment which meted out to a person with the bad phase of their life and that person is below the age of eighteen years.<sup>7</sup> The definition and meaning of the word child abuse may be different in different socio-economic situations and in different cultural environment. Child maltreatment can also be an umbrella term covering all forms of child abuse and child neglect.<sup>8</sup> The World Health Organization (WHO) defines child abuse and child maltreatment as "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."<sup>9</sup> In the Indian context, there is no uniformity and universality in the definition of child abuse.

It can be an actual or potential harm to a child's survival, dignity, development and socialization arising out of sexual, physical, emotional or psychological maltreatment or exploitation. It is a real and prominent predicament that generally occurs through familiar channels including parents, relatives and caretakers. Child abuse can happen inside homes, schools, foster care institutions, at playgrounds, workplaces and online as well, through social networking sites. Its impact is generally everlasting and hampers the child's development which simultaneously nullifies its usefulness as an asset for the country.<sup>10</sup> It is therefore necessary to bring about a holistic approach to the study of Child Abuse and its impact on the lives of children, analyzing the present statistics of abuse in the country, stating the various constitutional and legal provisions for children, enlightening various policies and programmes implemented by the government and finally addressing the reformative measures that can be taken to come up with a better future for the new generation.

### III. Types of Child Abuse

Violence and abuse on children are the harsh reality of our society. According to UNICEF report it was found that there are 30 different forms of verbal and physical abuse that Indian parents use on children as young as 0-6 years as part of discipline efforts.<sup>11</sup> Yasmin Ali Haque, representative of UNICEF in India has said that various form of violence against children includes physical violence(burning, pinching, slapping, beating with implements like stick, belt, rods) verbal abuse (blaming, shouting, criticizing, use of foul language) witnessing physical violence(on siblings, on parents or on any other family member) and emotional abuse(restraining movement, denying food, locking in bathroom, discrimination).<sup>12</sup> Similarly Abuse in school is

rampant in our country. When cases of sexual abuse are exposed, school sometimes chooses to deny or discredit the victims.

#### i. Physical Abuse

Parents often hit their children in name of the discipline efforts or when the child fails to score good marks or for various reasons. Hitting a child with belt, bat, electronic rod or any other utensil. Physical abuse is when a child suffers significant injury which can have a long-term effect on his health from either parents or siblings or care takers or any other family member. Boys face more physical violence than girls. According to studies mothers physically abuse children more as compared to fathers.<sup>13</sup> Physical violence may be different from different class of children. School going kids may get beaten more often as compared to kids who go to work in form of child labor. The causes for physical abuse be definite. Many social scientists have come up with many reasons. Some consider the behavioral traits of parents or the relationship of parents. If the parents have the need to show their supremacy or they have faced abuse in their childhood or they have toxic and abusive relationship, then there are chances that they will hit their children. Some scientists consider the needs of parents or their expectations from child and when the child fails to fulfill their expectations in return the parents hit them. Some scientists consider the psychological factors, when parents take out their frustrations on their child. There cannot be one specific reason but there are thousands of small reasons for which a child can be beaten up. Children are at receiving end both at their own homes and schools from parents, teachers and non-teaching school authorities. Almost all schools inflict corporal punishments on students for various reasons. The corporal punishment is a regular affair in thousands of schools everywhere. Children not only carry overload

of textbooks and notebooks on their tender backs but bear the brunt of canes for silly reasons like sox not matching the shoe or lace not being property knotted. Normal range of punishments, which continue unabated, are caning, beating knuckles with stick or steel scale, kneeling down, standing on the bench and so on. Wall chairs (sitting as if on the chair without any one against the wall for half-an-hour to one hour), wall chairs plus a school bag on the head or thighs which cause more physical pain, running ten to twenty rounds around the school building or in the ground and sit-ups numbering hundreds are other range of punishments. Writing impositions for more than fifty times within a short time, which is physically not possible to complete, is a new type of punishment.<sup>14</sup>

## ii. Sexual Abuse

The scar of sexual abuse is the one which a child carries for a lifetime. According to NCRB data, 32608 cases were report in 2017 and in 2018, 39827 cases were reported under the Protection of Children from Sexual Offences Act (POCSO). There were 47,221 POCSO cases out of 1,28,531 cases of crime against children in 2020 (36.73 per cent) and 47,335 of 1,48,185 such cases in 2019 (31.94 per cent). Whereas 1,49,404 cases of crime against children were registered in 2021 of which 53,874 (36.05 per cent) were under the Protection of Children from Sexual Offences Act (POCSO).<sup>15</sup> The World Health Organization defines Child Sexual Abuse(CSA) as the involvement of a child in a sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of the society. Child sexual abuse is evidenced by this activity between a child and

an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials.<sup>16</sup> According to studies it was revealed that in 90% cases the abuser is known to the child and he or she trusts the abuser hence it makes difficult to know about child abuse or provide help from outside.<sup>17</sup> Online Sexual Abuse happens over the Internet mostly. It can be through social networking sites or playing online games or through mobile phones. Young people are prone to cyberbullying, grooming, sexual exploitation, and emotional abuse. Someone they know or strangers can do this. It is felt that often children find no escape from this as they are afraid of the fact that offenders can reach them any time of the day and could access their personal space. The image of a school should be accompanied by the feeling of safety and security for students. However, this notion has been dispelled by the rising number of sexual abuse allegations by students. May 2021 saw over 200 sexual abuse complaints from students against their teachers in Chennai alone. While the sheer volume of cases made the headlines, sexual abuse in schools is not a new phenomenon. The Protection of Children from Sexual Offences Act, 2012, or POCSO, is the most comprehensive legislation on child sexual abuse and it mandates reporting by any person to the police if child sexual abuse is suspected. This has implications on schools as well, to report such complaints to the police.<sup>18</sup>

## iii. Emotional Abuse

Emotional abuse on children can be defined as a pattern of behaviour which hampers the emotional development of a child. Parents or childcare takers not giving proper attention to the emotional needs of the child. There is not a single law which relates to the emotional abuse of child. Some of the form of emotional abuse is limitations, stigmatising the child, blacking the child or isolating the child comparison of children, sending them to hostels and to boarding school.<sup>19</sup>

#### **IV. Impact of Abuse on Children**

Any child who has been abused can never grow fully from the trauma. Few children may grow out of them but in most cases the effects of abuse are lifelong. It affects their present and future. The victims generally have physical, psychological, mental and emotional impact. Every child who has been abused will suffer different kind of impact. The impact will not make only the child suffer but his or her contemporaries will also suffer and the society as a whole will suffer.

##### **i. Behavioral & Psychological Impact**

The psychological impact will include the inappropriate sexual behavior. The victim may be involved in sexual activities at a very tender age and this may lead to lack of awareness about sexual identity. The child may find it difficult to understand his or her own body.<sup>20</sup> The victim can have anxiety issues and can develop fear from specific things (which might remind him or her about the abuse or abuser). Anger issues, anxiety attacks, fear, eating and sleeping disorder are common.<sup>21</sup> The child may face difficulty in trusting people because of the past. He can even isolate himself from everyone. The victim can also slip into depression and can feel that he has no one to talk. Lack of self-respect and self-esteem is common. The child can be emotionally sick

and weak and may show submissive behavior.<sup>22</sup>

##### **ii. Physical Impact**

Physical impact is generally caused by physical or sexual abuse. Bruises, swelling, marks, wounds, bleeding, scratches are all different forms of physical impact. In some cases, these physical impacts can last for a long time. Parents often take out their frustration on the child and this hampers their relationship, leads to disrespect of moral values. The victim may take out his aggression by beating other children at school or outside home. Physical impact of abuse result in self-mutilation of body parts or even at times lead to suicidal attempts by the child.<sup>23</sup> Neglecting a child can lead him or her into depression or isolating himself or herself from everyone. When children are neglected, they are prone to obesity or malnutrition.

#### **V. International Legal Framework on Rights of Child**

Article 19 of the UN Convention on the Rights of Child 1989 (UNCRC) declares that any form of discipline involving violence is unacceptable. It lays down that children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protected from violence, abuse and neglect by their parents, or anyone else who looks after them.<sup>24</sup> Article 28(2) of the same convention requires the state parties to “take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.” Moreover, the governmental is placed under the responsibility to protect children from sexual abuse.<sup>25</sup> Similarly, the children who have been neglected or abused

should receive special help to restore their self-respect.<sup>26</sup>

The UN Committee of Rights of Child in its 42nd session at Geneva in May-June, 2006, issued a general comment No. 8 (2006) titled 'The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment' to highlight the obligation of all state parties to move quickly to prohibit and eliminate all corporal punishment and all other cruel or degrading forms of punishment of children, and to outline the legislative and other awareness-raising and educational measures that states must take. The special session on children later held in 2002 in New York to review the progress made for children since 1990 World Summit for Children. After deliberation, the Assembly adopted A World Fit For Children setting out goals and specific plan of action to help millions of young people across the globe to receive adequate education, health services and standards of living. The text's plan of action established new goals for children and set out specific targets in the fields of health, education, protection against abuse, exploitation and violence, as well as the struggle against HIV AIDS.<sup>27</sup>

## **VI. Indian Laws on Child Abuse**

The law permits that a person who has committed criminal offence must be punished. The punishment should be for criminal wrong and not civil wrong and it should be given by appropriate authority. When parents, guardians, schoolteachers who are not an appropriate authority, gives severe punishment to children or anyone who abuses the child, then the law comes into picture. Law protects the victim and ensures that the culprit is punished. The law protects child from all kinds of harm or abuse whether domestic or by

someone who is unknown. For the purpose of this paper, only those provisions have been dealt which talk about domestic abuse or are related to it.

### **i. Constitution of India**

The Constitution of India, which came into effect on 26th January 1950, guarantees children's rights. Article 21-A guarantees the right to free and compulsory elementary education for all children in the age group 6-14 years. Constitution of India secures the right to be protected from any hazardous employment until 14 years.<sup>28</sup> Further children have equal rights as all other adult citizens of India. Few among them are right to equality,<sup>29</sup> right to personal liberty and the process of law,<sup>30</sup> right to being protected from being trafficked and forced into bonded labour<sup>31</sup> etc. Child protection laws in India are framed in line with constitutional provisions for safeguarding child rights.

### **ii. Provisions under Indian Penal Code**

Indian Penal Code also safeguards the interest of children and in case, any offence is committed against them, there are strict provisions to deal with it. The code provides that in case where a child is humiliated to an extent that he or she commits suicide then the person who has abetted such act can be held liable under this section.<sup>32</sup> It also ensures that no child is abandoned by his or her parents, that if in any case the father or mother of a child who is in under 12 years has exposed or leave the child in any place with intention of wholly abandoning the child shall be punished with an imprisonment which may extent up to 7 years.<sup>33</sup> The code also mentions about causing grievous hurt and punishment for the same. Hurting a child can amount to such crime and the person can be made liable for

causing voluntary causing hurt or grievous hurt and can be punished for imprisonment which may extend up to 7 years and can also be liable for fine.<sup>34</sup> Another provision protects minor girl from sexual exploitation. The section asserts that whosoever induces a minor girl to go from one place to another or to do any act knowingly that the girl will be forced or seduced to illicit intercourse with another person shall be punished with imprisonment which may extent to ten years and shall also be liable for fine.<sup>35</sup>

### iii. **The Protection of Children from Sexual Offences (POCSO) Act, 2012**

The Act came into force in 2012 before that sexual offences could only be reported under Indian Penal Code, 1860. However, apart from rape, outraging the modesty of a woman and unnatural act as defined in Section 377 no other form of non-penetrative sexual assaults, harassment and exploitation were not explicitly recognized. With the enforcement of POSCO Act child pornography, sexual assault, sexual harassment was also criminalized. The Act was made to protect the child from the sexual offences, pornography, sexual exploitation through legal means and to establish special courts from speedy trail. The salient features of the Act are:

1. The Act defines child as someone who is below the age of 18 years.
2. It addresses a wide range of sexual offences which include anything from complete and partial penetration, non-penetrative sexual assault, stalking of a child, showing children pornography, using the child for pornography and exhibitionism. The law protects children from both contact and non-contact sexual abuse.

3. It places the onus of proof on the accused and ensures punishment for all kinds of perpetrators irrespective of gender and age.
4. It does not recognize consensual sexy between children and between a child and an adult.
5. It pronounces mandatory reporting of sexual offences.
6. It introduces child friendly measure and defines the role of the police as a child protector.
7. The act stipulates the disposal of the case within one year from the date of reporting.<sup>36</sup>

The POCSO (Amendment) Act, 2019 has increased the minimum punishment for the penetrative sexual assault from seven years to ten years. The bill has added two more grounds to the definition of aggravated penetrative sexual assault- (1) assault resulting in death of the child and (2) assault committed during natural calamity or in any similar situation of violence. It has also increased minimum punishment from 10 to 20 years and maximum to death penalty. The bill has enhanced the definition of child pornography and also penalizes the person who use children for pornographic purposes resulting in sexual assault. The bill has added two more offences for storage of pornographic material involving children. These include: (i) failing to destroy, or delete, or report pornographic material involving a child, and (ii) transmitting, displaying, distributing such material except for the purpose of reporting it.<sup>37</sup>

### iv. **Juvenile Justice (Care and Protection of Children) Act, 2015**

The law deals with two categories of children-one who are on conflict with law and the other who need care and protection. The law was enacted to consolidate and amend the law relating to children alleged and found to be in

conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established.<sup>38</sup> The Act replaced the Juvenile Justice (Care and Protection of Children) Act, 2000. The salient features of the Act are:

1. The Act has made clear distinction between offences and has categorized them into three categories: petty, serious and heinous. With regards to heinous offences alleged to be committed by a child, firstly the mental and physical capacity of the child would be asserted and then if needed he may be tried as an adult. The Act recognized that the rights of the juvenile accused are also important.
2. The Act deals with offences committed against children and offences committed by the children.
3. The Act of 2015 also include punishment for child trafficking, cruelty against child, selling narcotic substance to children, abducting or kidnapping of children etc. These offences weren't dealt earlier.
4. The Act also presents various measures of rehabilitation and social re-integration of children. Such measures like foster care, counselling, education, nutrition, skill development, vocational training etc.

The Act lists 16 principles which is to be followed in the administration of the act.<sup>39</sup> The chapter V of the Act, covers the role, function and responsibilities of Child Welfare

Committees (CWCs), which are to be established in every district. The committee would consist of a chairperson and four members who has experience in dealing with children. One of the four women must be a woman.<sup>40</sup> Section 29(1) of the Act states that the committee shall have the authority to dispose of cases for protection, treatment, development and rehabilitation of children in need of care and protection, as well as provide for basic needs.<sup>41</sup>

The Act covers certain offences against children, including cruelty against a child, offering narcotic substance to a child or selling a child.<sup>42</sup> The Act also prescribes punishment for cruelty to child. Whenever a child is assaulted, abused, exposed or neglected in a manner to cause physical or mental suffering by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, the punishment would be rigorous imprisonment up to five years and fine up to Rs five lakh. And, on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb, then imprisonment may extend up to ten years.<sup>43</sup>

#### **v. Commission for Protection of Child Rights Act, 2005**

The Act provides for the constitution of a National Commission<sup>44</sup> and State Commissions<sup>45</sup> for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights. NCPCR has issued guidelines for eliminating corporal punishments against children. Under these, every school is required to develop a mechanism and frame clear cut protocols to address grievances of students. Drop boxes are to be placed where the



aggrieved person may drop his complaint and anonymity is to be maintained to protect privacy. Every school has also been directed to constitute a 'Corporal Punishment Monitoring Cell' consisting of two teachers, two parents, one doctor, one lawyer (nominated by DLSA), counsellor, an independent child rights activist of that area and two senior students from that school. This CPMC shall look into complaints of corporal punishments.<sup>46</sup>

National Commission has following powers and functions-<sup>47</sup>

1. Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation
2. Prepare and present annual and periodic reports upon the working of these safeguards
3. Inquire into violation of child rights and recommend initiation of proceedings in such cases
4. Undertake periodic review of policies, programmes and other activities related to child rights in reference to the treaties and other international instruments
5. Spread awareness about child rights among various sections of society
6. Examine and recommend appropriate remedial measures for all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence/riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution
7. Undertake and promote research in the field of child rights
8. Inspect institutions meant for juvenile/children
9. Inquire into complaints of deprivation and violation of child rights, non-implementation of laws and non-compliance policy decisions, guidelines or instructions
10. Undertake other necessary functions for the promotion of child rights. The Commission has the power of a civil court and all criminal cases brought to the same has to be forwarded to a concerned Magistrate who has jurisdiction to try the same.

#### vi. Right of Children to Free and Compulsory Education Act, 2009

The Act imposes an absolute bar on corporal punishment. It prohibits physical punishment and mental harassment to child and prescribes disciplinary action to be taken against the guilty person in accordance with the service rules applicable to such person.<sup>48</sup>

#### VII. Judicial Approach towards child rights in India

Connecting child labour with illiteracy and poverty the Delhi High Court in Court on its own Motion v. Govt. of NCT of Delhi,<sup>49</sup> observed: "Today's children constitute tomorrow's future. To ensure a bright future of our children, we have to ensure that they are educated and not exploited. In fact, children are the most vulnerable members of any society. They are entitled to special care and assistance because of their physical and mental immaturity. The problem is more complicated in developing countries like ours, where child labour exists in relationship with illiteracy and poverty.

Fundamental rights of three children who were expelled from the school were upheld even when they refused to sing the National Anthem. In a famous but criticized by various sections of the society, in the case of *Bijoe Emmanuel and others v. State of Kerala* and

others,<sup>50</sup> the Supreme Court held that such children did not show any disrespect towards National Anthem by not joining in singing the National Anthem at school's morning prayer. Expulsion of children from the school on this ground was held to be violative of their fundamental right guaranteed under Articles (19) (1) (a)<sup>51</sup> and 25(1).<sup>52</sup> The Supreme Court ordered the respondent authorities to re-admit the children into the school, to permit them to pursue their studies without hindrance and to facilitate the pursuit of their studies by giving them necessary facilities.

### VIII. Conclusion

Child abuse whether physically, emotionally, sexually or psychologically is the ugly truth of our society. With the increase in number of cases there is a need to address the issue of child abuse both at homes and schools. The stigma around the topic and the constant denial of parents that such thing cannot happen with our children needs to be changed. In a country where sexuality is taboo, talking openly about sex is taboo, it becomes very difficult to address the issue of sexual abuse. Parents and caretakers often do not have sufficient knowledge and are not in a space to talk about it but it becomes necessary to address the issue because the solution will come from the family itself. NGO's and law will only help if the victim or the family will come out and speak. No one from outside the family can intervene and address the issue. The family has to take the call. When parents don't have sufficient knowledge then the onus shifts on education system. On the other hand, our education system has done very little in tackling this issue. Sex Education is still something which people are not aware about. The school and other educational institutions should educate the child about good touch and bad touch. Sex Education should be compulsory in every educational institution. Moreover, the parents

should provide the space and keeps the door open so that children can speak what they are feeling. It is very important for parents to understand their children and watch the behavioral changes in them. The practice of physically punishing children continues unabated regardless of its efficacy in discipline enforcement.

Children learn from elders and impersonate them. If a family sets toxic and abusive examples in front of their children there is high probability that children will adopt those toxic traits. It is very important for the parents to ensure that their child grow up in a safe and secure environment. The relationship between parents and children should be like friends where they can understand each other. When a child comes to parents and say that he or she has been abused in any way then parents should trust their children. Every child is different and thus his or her needs are different. Parents should learn that every child is special in his own way and they should let him grow in his own way rather than taunting the child on every step. Unless everyone takes a step to deal with the issue of child abuse, children will continue to suffer.

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<sup>21</sup> M. Steine, I Kryjtal et al. "Insomnia nightmare frequency, and nightmare distress in victims of Sexual Abuse: The role perceived social support and abuse characteristics". Journal of Interpersonal violence 27 (9). (2012).

<sup>22</sup> Ibid.

<sup>23</sup> Supra note 21.

<sup>24</sup> United Nations Convention on Right of the Child, 1989- Article 19

<sup>25</sup> Id., Article 34.

<sup>26</sup> Id., Article 39.

<sup>27</sup> United Nations special Summit for children: Building a world Fit for Children (2002).

<sup>28</sup> Constitution of India, 1950 Article 24(a)

<sup>29</sup> Id., Article 14.

<sup>30</sup> Id., Article 21.

<sup>31</sup> Id., Article 23.

<sup>32</sup> Indian Penal Code, 1860 - Section 305

<sup>33</sup> Id., Section 317

<sup>34</sup> Id., Sections 320-325

<sup>35</sup> Id., Section 366A.

<sup>36</sup> The POCSO (Amendment) Act, 2019.

<sup>37</sup> Ibid

<sup>38</sup> Mohammad Faisal Ahmed, “Child Protection Law and Policy,” 6 Pen Acclaims 2, 2019

<sup>39</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015- Section 3

<sup>40</sup> Id., Chapter- V, Sections 27-30.

<sup>41</sup> Id., Section 29(1).

<sup>42</sup> Id., Chapter IX.

<sup>43</sup> Id., Section 75.

<sup>44</sup> Commission for Protection of Child Rights Act, 2005-Section 3

<sup>45</sup> Id., Section 17.

<sup>46</sup> NCPCR, Guidelines for Eliminating Corporal Punishment in Schools, <https://nimhanschildprotect.in/wp-content/uploads/2021/03/NCPCR-Guidelines-for-elimination-of-corporal-punishment.pdf>

<sup>47</sup> Supra note 44 section 13.

<sup>48</sup> Right of Children to Free and Compulsory Education Act, 2009-Section 17

<sup>49</sup> Writ Petition (C) No. 9767/2009. (Delhi High Court).

<sup>50</sup> AIR 1987 SC 748.

<sup>51</sup> The Constitution of India, 1950- Art. 19(1) All citizens shall have the right to freedom of speech and expression.

<sup>52</sup> Id., Art. 25(1)-Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.