

Child Abuse in India – An Analysis

Amisha U. Pathak¹

¹Political Science Undergraduate, BHU - Varanasi | Intern- India Think Council

1. Introduction

1.1 India is home to over 19 percent of the world's children, making it the country with the largest child population in the world. It inherently defines the country's role in becoming a safe haven for children in this ever-changing society. The nation therefore provides its children with a host of rights – fundamental and legal while enshrining the importance of their protection, care and development in its overall policies, schemes and objectives.

1.2 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.

1.3 Amongst these, Child Abuse is one of the most common, frequent and highly prevalent challenges in the present atmosphere. The root cause of which, is mostly found in the poverty ridden sections of the society, with

domestic violence, substance abuse and illiteracy complementing the difficulty of the situation.

Contact:

amisha.pathak@indiathink.org

2. Child Abuse - The Concept

2.1 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 well-being.

2.2 It can be an actual or potential harm to a child's survival, dignity, development and socialisation 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.

2.3 Child Abuse in all its forms and manifestations is a global issue that has been highly misunderstood and underestimated over the years. It is extremely prevalent in India as well, where it is rooted in social, economic and cultural practices to a great extent.

2.4 The problem has been addressed by various governments and non-governmental organisations but, has failed to find proper understanding among the general masses. Its denial is as prominent as its existence.

2.5 Child abuse can happen inside homes, schools, foster care institutions, at playgrounds, work places and online as well, through social networking sites. Its impact is generally ever-lasting and hampers the child's development which simultaneously nullifies its usefulness as an asset for the country.

2.6 It is therefore necessary to bring about a holistic approach to the study of Child Abuse and its impact on the lives of children, analysing 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.

3. Classification of Child Abuse:

3.1 While the consequences of child abuse remain the same, them being grave physical or emotional harm, it is necessary to address the different types of Child Abuse to not only understand their occurrence, but to also derive a clear idea to distinguish its different types, enabling to derive and ponder upon possible solutions to the challenge at hand.

3.2 Physical Child Abuse –

3.2.1 Physical Child Abuse primarily

results in potential physical harm from a confrontation or an interaction, which is within the control of a parent or a person in a position of power or authority. The resultant injuries are considered abuse irrespective of whether the intent of the action was to cause hurt.

Physical Child Abuse primarily comprises of following actions/incidents:

- Excessive Punishments
- Beating / Hitting a child
- Leaving a child in an undignified posture
- Forced Work Conditions
- Bullying

Signs of Physical Child Abuse:

- *Unexplained Bruises, welts or cuts etc.*
- *Fearful or shy behavior etc.*

3.3 Child Emotional Abuse -

3.3.1 Emotional Abuse is often observed as a pattern of behaviour that hampers the child's emotional development, making it extremely difficult to prove. The lack of evidence in the case of Child Emotional Abuse is considered as a major challenge to the existing Child Protection System. Emotional Abuse is almost always present when other forms of abuses are identified in a child.

The Child Emotional Abuse primarily comprises of following instances:

- Isolation or Exclusion of a Child
- Stigmatizing a Child
- Failure to provide a supportive environment
- Caregivers not responding to a child's emotional needs

- Blackmailing a Child

•

Signs of Child Emotional Abuse

- *Excessive Shyness and Fear*
- *Behavioral Extremes*
- *Antisocial Behaviour*
- *Inappropriate Age Behaviour*

3.4 Child Sexual Abuse -

3.4.1 The Child Sexual Abuse is an involvement of a child in a sexual activity that he/she does not fully understand and approve of. Primarily, the child is naturally uninformed of the sexual activity and while being developmentally unprepared for the act, is unable to give an informed consent.

Child Sexual Abuse is primarily divided into two major types:

3.4.2 Contact Type -

- Kissing or holding in a sexual manner
- Forcing to touch genital areas
- Vaginal or Anal Intercourse
- Sexual Exploitation
- Incest
- Rape

3.4.3 Non- Contact Type –

- Obscene Remarks
- Virtual Sex
- Online Solicitation
- Exposed to Pornography
- Sexually intrusive comments
- Voyeurism

Signs of Child Sexual Abuse:

- *Behavioral signs –The child might display knowledge or interest in sexual*

acts inappropriate to his or her age, or even seductive behavior or display unusual behavior- either being very aggressive or very passive.

- **Physical signs** - *A child may have trouble sitting or standing, or have stained, bloody or torn underclothes. Swelling, bruises, or bleeding in the genital area is a red flag.*
- **Caregiver signs** – *The caregiver may seem to be unusually controlling and protective of the child, limiting contact with other children and adults.*

3.5 Neglect -

3.5.1 Neglect is a kind of an abuse which involves depriving a child of adequate food, clothing, shelter, supervision, medical care and education. Neglect also harms children although it is more about being inactive and not doing something than the previous forms of abuse, which are more active.

Neglect may primarily comprise of the following:

- Failure to protect from harm
- Inattention of Care
- Failure to monitor child's progress
- Failures to report bruising
- Failure to provide nutrition
- Failure to monitor child's progress

Signs of Neglect:

- *Child seems to be unsupervised*
- *Child may appear to have consistently bad hygiene*
- *The child might show troublesome, disruptive behavior*

4. Rights of the Children

4.1 The vision of the constitution makers of independent India, with respect to the country's children was to ensure their comprehensive growth and development, protection, upliftment from their deprived and backward conditions, survival of children by a decline in mortality rate and malnutrition and participation of children in the overall advancement and development of the nation.

4.2 Therefore, they specifically focused on the provision of basic and inalienable rights of children and guided the policy makers similarly to work in the direction of safeguarding and promoting these rights.

4.3 Relevant Constitutional Provisions

4.3.1 The life-cycle of a child revolves around four main objectives, Vis a Vis survival, development, protection and participation. There are multiple provisions in the Indian Constitution that impose the primary responsibility on the state to promote the welfare of children and ensure their dignity and sustainability.

4.3.2 Fundamental Rights

- Article 14 of the Indian Constitution ensures that every citizen – man, woman and child is equal in the realm of law.
- Article 15 of the constitution provides for prohibition of discrimination and along with that it empowers the state to make special provisions for women and children.
- Article 21A makes it mandatory for the state to provide free and

compulsory education to children in the 6-14 age group.

- Article 23 prohibits trafficking of Human beings and forced labour.
- Article 24 prohibits Child Labour and the employment of children below 14 years of age in factories, mines or other hazardous work environments.

4.3.3 Directive Principles of State Policy (DPSP)

- Article 39(e) of the constitution enjoins the State to ensure that the health and strength of workers, men and women and the tender age of children are not abused.
- Article 39(f) directs the State to ensure that children are provided with opportunities and facilities to develop in a healthy manner It directs the State to ensure that children develop in a free and dignified environment and that their childhood and youth is protected against exploitation and against moral and material abandonment.
- Article 45 provides for the State's duty to ensure early childhood care and education for all children until they complete the age of six years.

4.3.4 Other Provisions

- Article 51A-(k) lays down a fundamental duty of the citizens which directs parents or guardians to provide opportunities for education to their child/ward between the age of 6 and 14 years.
- Article 243(g) read along with Schedule 11- provides for institutionalization of child care by seeking to entrust programmes of women and child development to

Panchayat, with a bearing on the welfare of children.

5. Policies and Programmes

5.1 After providing for the above mentioned constitutional provisions, the State also looks into the welfare of children by implementing various policies and programmes and institutionalising several national and provincial level bodies and organisations.

5.2 National Policy for Children 1974 is the first child centric programme launched by the government of India for the all-round development, care and protection of children. It recognises children as the supreme asset of the country and ensures that their rights, as enshrined in the constitution and the UN Declaration of Rights, are implemented.

5.3 National Policy on Education 1986 called for a special emphasis on equality in the sphere of educational opportunity. It called for a child centred approach in primary education.

5.4 National Policy on Child Labour 1987 is an initiative of the government to strictly implement the provisions of the constitution pertaining to the prohibition of Child Labour and works towards the betterment of the conditions of working children.

5.5 National Charter for Children 2003 is a comprehensive document that empowers children with the right of being a child and enjoying their childhood to the fullest. It directs the State, the society, the community and the families to develop a healthy, safe

and positive environment for the growth of every child in the country. It also secures the right of adolescent children to proper education and other facilities, that would lead them to be productive citizens for the nation.

5.6 National Plan of Action for Children 2005 aims to tackle the various problems of a child's life. It works on the prohibition of child marriage, abolition of female foeticide, female infanticide and upholding and securing the rights of children in difficult circumstances such as abuse, exploitation and neglect.

5.7 Child-line Services have been launched by the government especially after the Twelfth Five Year Plan to help children in case of emergency or in situations where they cannot seek help from anywhere else. It is basically run by Childline India Foundation, the mother organisation for this scheme in the country. Over the years, the Childline has received over millions of calls, specifically associated with issues of medical support, shelter for neglected or abandoned children, emotional guidance and protection from abuse amongst others.

5.8 National Institute of Public Cooperation and Child Development is the foremost organisation for the documentation and compilation of research and initiatives related to women and child development. It works in the areas of child protection, child care support services, awareness against abuse and exploitation and the rights of children.

5.9 The Twelfth Five Year Plan was launched in the year 2012 which focused on child development and

ensuring higher sex ratio in the country. It was a major governmental step towards increasing the status and condition of children in India, especially the female child.

6. Acts and Amendments

6.1 The governments also enacted several acts/laws to establish such institutions and norms that could enhance the indemnity of the rights guaranteed to children.

6.2 Protection of Child Rights Act, 2005 led to the setting up of the National Commission for Protection of Child Rights in the year 2007. The National Commission for Protection of Child Rights (NCPCR) is a statutory body that works under the aegis of the Ministry of Women and Child Development, Government of India and is the nodal agency for preserving the rights of children, spreading awareness against child abuse in all its forms and providing children with proper redressal and rehabilitation in case of violation of their rights

6.3 Protection of Children from Sexual Offences Act 2012 was brought up as a special law to deal with cases of child abuse, sexual assault, sexual harassment and related offences. The act provides for establishment of special courts with a primary focus on keeping the needs and interests of children at paramount importance. It also works into establishing child friendly procedures for investigation of offences. The POCSO Cell has been set up to monitor the implementation of the Protection of Children from Sexual

Offences Act 2012 by the NCPCR.

7. Causes of Child Abuse

7.1 Abusing a child is a crime that is highly derogatory and alarming in all forms of social institutions. A child is the most innocent beings of all and misleading it into the stratagem of abuse is extremely facile.

7.2 When a caretaker, a person of trust or faith, a confidant or any other individual performs such malicious conduct as of abusing a child, there ought to be varied reasons behind such a conduct. These can be related to the abuser's past, his present or the child's present or permanent conditions.

7.3 **The Abuser** - Studies by various organisations show that people who abuse children are often the victims of abuse in their own childhood. The abuser may also be prone to substance abuse. Addiction to alcohol, drugs or similar substances generally leads to extremely violent behaviour that causes the person to harm others.

7.3.1 The economic condition of the abuser, who might be a parent, is also a prominent cause behind child abuse. Poverty stricken or indebted parents might assume children as a major cause for their complexities.

7.3.2 Societal patterns that allow physical punishment as a means to make children disciplined is also a cause for child abuse. In this way children are abused in schools by their teachers, by their caretakers or at home by their parents.

7.3.3. Unhealthy and failed relationships also lead to annoyance and bitterness in the family in which the children become the ultimate victims of their parent's incompatibility.

7.3.4 Domestic Violence is also a major contributor to the rise in cases of child abuse. People who abuse their marital partners are highly plausible to be violent and abusive to their child as well.

7.4 The Child

7.4.1 The child's physical disability or a prolonged or chronic disease makes it vulnerable to the unhealthy elements of their environment. It is easier for the abuser to harm such children due to the lack of their defensive reactions.

7.4.2 Apart from disability, a child is also susceptible to abuse, if it is of a tender age. It is the inability of a child to fight back, retaliate, apprehend, understand or complain at an age of generally 0-6 years that makes it more pregnable for the abuser.

7.4.3 In a country like India where boys contribute to a greater sex ratio, it is also reasonable that a child becoming 'unwanted' or 'undesired' by their parents due to their sex, becomes a victim of neglect, abandonment or abuse.

7.5 Society

7.5.1 Lack of sexual literacy and the inability of the governmental system to incorporate sexual education in schools is one of the basic reasons behind the increasing rates of child sex abuse in India. Most of the victims of abuse are

mostly unaware of what they experienced. This is because they do not get proper guidance in schools at the right age.

7.5.2 The ignorance of parents and the prevalent idea of sex as a taboo in India leads to a gap between the relations between children and parents. This in turn effects their ability to express their inexplicable experiences of abuse.

7.5.3 The declining role of cultural norms in the families today, the adoption of a busier schedule that is unavoidable is also seen as a reason behind rise in immorality and disgust for children.

7.5.4 The role of explicit posters, movies, content on the internet and the ever-expanding social media also play a dominant part in increasing the vulnerability of children and exposing them to the perilous environment.

7.5.5 Decline in parental values and norms, inefficiency in adjusting with the nature of the infant, burden of responsibilities also acts as trigger for abuse.

8. Impact of Child Abuse

8.1 The impact of child abuse is life-long and irrevocable. The victims of abuse, the altruistic children, generally have emotional, psychological, physical and mental impact on their lives which harms their past, present as well as future.

8.2 The impact of child abuse is not only over the abused child; contemporary findings show that soaring levels of child abuse have

dreadful repercussions on the country's economy as well over a stretched period of time.

8.3 Psychological and Behavioural Impact –

8.3.1 The psychological impact of child abuse includes age-inappropriate sexualisation of the child. This implies that the child indulges in improper sexual activities at a very tender age and conceptualises sex as explained by the abuser which is generally distorted.

8.3.2 It also leads to a lack of awareness of sexual identity for the child. The child would find it difficult to understand his own body, which might even inkling to assumptions of homosexuality.

8.3.3 Anxiety in daily activities of life and fear from specific people or objects (objects of abuse) or strangers or to the 'touch' of people is a general impact of physical or sexual abuse.

8.3.4 Eating and sleeping disorders are one of the primary impacts of child abuse. The child may have nightmares and fall short of sleep. He would also have problems in building trust relationships with people due to his past experiences.

8.3.5 Sexual, physical, emotional abuse or neglect are one of the core reasons behind depression in children. Parent's unusually high expectations of good behaviour or academic excellence push children into a constant state of dilemma and disgust.

8.3.6 Child abuse adversely impacts the child's confidence and self-esteem. The child might become emotionally

weak and susceptible. It might also show submissiveness in behaviour.

8.4 Physical Impact –

8.4.1 Physical harm to the child is a resultant of abuse, mostly in cases of physical or sexual abuse. This harm is in the form of bruises, marks, burns, wounds, or bleeding, swelling, scratches etc.

8.4.2 At times frustration from the work environment for victims of child labour manifests its way into heightened aggression or intensified sensitivity. The child might express these by abusing other children. It can also lead to worsening of parent-child relationships, disrespect for moral values etc. Recapitulation of abuse, is more profound in boys when compared to girls.

8.4.3 Physical impacts of abuse result in self-mutilation of body parts or even at times it leads to suicidal attempts by the child. Children who are diagnosed with Sexually Transmitted Diseases are generally associated with an abused past.

8.4.4 Child workers in factories or mines subsequently develop heart and lung diseases with the passage of time. They also suffer lack of immunity to air-borne diseases and face an early old age.

8.5.5 Neglecting a child can lead to its under-development. It can also cause lack of mental growth and the child may succumb to seclusion and isolation from its surroundings – peers, relatives, teachers etc. When children are neglected, they are easily prone to obesity and malnutrition.

8.5 Socio – Economic Impact –

8.5.1 The socio-economic impact of child abuse is significantly larger than it seems to be. Child labour being one of the major components of abuse, highlights the perilous outcomes on the society.

8.5.2 The economic impact of child abuse is often ignored though it surmounts to a huge deficit in the growth of the economy, especially in the developing economies of Asia.

8.5.3 Child abuse results in perniciously effecting the child's education and work performance. This reduces the child's productivity as a human capital which is in turn detrimental for the development of the nation. Abused children mostly lean towards substance abuse as a result of prolonged exposure to the vicious atmosphere.

9. Reforms

9.1 Child abuse is a grave issue that has varied and long-lasting effects on the victims. It causes harm to the individual, to the society, to the economy and to the nation as a whole. It is therefore imperative that significant steps be taken in the direction of reforms and preventions in the existent legal and social apparatus.

9.2 Emphasis should also be made on improving the mental and emotional conditions of the children victimised by

abuse subsequently working towards their psychological development.

9.3 Legal Reforms

9.3.1 Efforts should be made by the governments to strengthen the economic conditions of the families and of the country as poverty is seen as one of the major causes of child abuse.

9.3.2 Sexual Education should be made mandatory in schools and curriculums should include such programmes in the primary sections as well.

9.3.3 Institutions such as the NCPCR should improve their reach and work towards ground level implementation of policies.

9.3.4 The laws against child labour are not properly implemented. Child labour and child beggary is highly prevalent in India across states. Laws for developing educational institutions and for abolishing child labour should be strengthened and effectively executed.

9.3.5 Grievance redressal systems should be installed in schools and colleges such as suggestions and complaints boxes for the speedy solution to the issues of children.

9.3.6 Students clubs should be developed by the government across private and governmental schools to spread awareness against child abuse, about the policies of the government and the POCSO Act 2012.

9.3.7 Police and administrative bodies should be easily accessible to children and should develop mechanisms to conduct workshops for children at the local levels.

9.4 Social Reforms

9.4.1 Awareness programmes and workshops should be conducted on a larger scale by governmental as well as non-governmental organisations, including schools and colleges.

9.4.2 Children must be educated about Child Protection schemes and Childline Services at a young age so that they could benefit from these policies and become more informed about their rights.

9.4.3 Talking about sex should be as normal as talking about the other changes in the body of an adolescent. This would make it easier for children to share and discuss their ailments to the people they trust.

9.4.4 People need to realise that child abuse is existent and can happen anywhere around you. It is required that citizens become more vigilant to their rights and not ignorant to the abuse happening around them.

9.4.5 Vigilant parents can teach their children about self-protective practices such as the difference between a good touch and a bad touch, emergency practices in cases of abuse etc.

9.4.6 A basic understanding of the meaning of child abuse not just as physical or sexual abuse but as emotional abuse and neglect also needs to be built amongst the general masses.

9.5 Psychological Reforms

9.5.1 Victims of child abuse usually go through post-traumatic stress disorders.

These can also lead to children recapitulating abuse on other children. The frustration from their own experiences finds its basic manifestation in the maltreatment of other children.

9.5.2 It is therefore necessary to institutionalise more centres of psychological assistance for such children. These centres or other such organisations can provide Trauma-informed practices and programmes for the revival and rehabilitation of the child.

10. Conclusion

10.1 While the analysis clearly highlights an increase in the atrocities against children, the author has also aimed to translate the effects of child abuse on the overall growth and inclusive development of the nation. While the analysis clearly draws distinction between different types of abuse that are faced by the Indian children, it also highlights the urgent necessity to bring about the much-needed reforms in this sector.

10.2 This research note strives to indicate the fact that child abuse not only impairs the child's productivity but also vandalises the process of socialisation of the child. It is therefore required that the society awakens to the call of protecting and enhancing their childhood. This would not only allow greater participation of children in the process of innovation and evolution but would also compliment to the greater good of the world civilization.

11. References

- ❖ *“Children in India 2012- A Statistical Appraisal”*- Ministry of Statistics and Programme Implementation, Government of India
- ❖ *“Annual Report 2014-15”*- Ministry of Women and Child Development- Government of India
- ❖ *“The First Six Years (2007-2013) - National Commission for Protection of Child Rights (NCPCR), Ministry of Women and Child Development, Government of India.*
- ❖ *“A Paper on ‘Child Abuse and its measures & a Biblical Response”* by Rev. Dr. L. K. Mruthyunjaya, Director,

Swanthana Seva Samithi, Ongole, Prakasam District.

❖ *“Long Term Consequences of Child Abuses and Neglect”* – Child Welfare Information Gateway 2013
