



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

SEXUAL OFFENCES AGAINST CHILDREN IN INDIA – CAUSES AND SOCIO-CULTURAL IMPACT

AUTHORED BY – NISHA NODIYA

ABSTRACT

Incidents against children being sexually exploited are of great concern. It is a concern not only for the parents, but also where children study i.e. of the school authorities. Such a concern with regards to children is always under scrutiny by the police, government and also the media. It is the utmost responsibility of the parents and the teachers to take care of the children. It is therefore necessary for the schools to update themselves regarding laws pertaining to children. It is also necessary for the schools to follow appropriate guidelines within the ambit of the said laws in case any untoward incident takes place in their school premises. One such legal framework pertaining to prevention from sexual exploitation of children is “The Protection of Children from Sexual Offences Act, 2012” (POCSO Act). This Act provides special protection to all the children who are not major or adults from sexual abuse. This Act also provides strict punishment, which is in the form of fine and or imprisonment, if any act is performed thereby sexually abusing the children. The Act gets stricter against those persons who are employed in educational institutions of who are in the position of authority and trust over children etc. To tackle such issues, there are special units of local police termed as, Special Juvenile Police Unit”, to whom the matters pertaining to sexual offences of children are reported.

KEYWORDS

POCSO Act 2012, Sexual Offences against child, Sexual Abuse, Child Abuse, Juvenile, Children, Child Rights.

INTRODUCTION

Children have been easy prey, whenever the question of sexual exploitation is concerned. Children are, by nature innocent victims and most vulnerable to abuse and the word child means under the care of adults. Crimes against children are on rise. There are various crimes against children, which can be grouped as:

Abuse – which is physical in nature

- Abuse – which is mental in nature
- Abuse – which is sexual in nature
- Abuse – which is psychological in nature
- It is also in the form of child neglect
- It is in the form of child pornography
- It is in the form of child labour or sex, wherein children are trafficked
- Those offences that involve children as sufferers are generally treated as wrong against the said child.

The primary source of security, love, safety, nurturance, support and understanding are the caretakers or their parents. As per the study by UNICEF, the violence against children can either be mental or physical or sexual and such abuses takes place either in their homes, orphanages, schools, on streets, at residential care facilities in prisons or in places of detention also. These have devastating effects on the development of the child and in extreme cases, such abuses can also cause result in death of the child. In case of scars of abuses that are sexual in nature, such scars remain with children lifelong. It is necessary to understand that the liberty of a child cannot be mortgaged at any cost rather it has to be safeguarded. It is also important to note that the children in any country are their assets. The effects of sexual abuse may include depression, anxiety, stress, trauma, fear, physical injury, sleeplessness, loss of appetite, sudden mood swings etc. Recently the nation was shaken by the inhuman, unspeakable and tragic act of torture, murder (which in fact the outcome of rape) of a girl, who had not even completed eight years and was the resident of Kathua. The foremost thing the government of every country requires to reassure is the welfare and protection of the children and apart from this it is the moral responsibility of the parents also including the responsibility of the society to ensure that children are protected and supposed to have a stress free childhood, but now they are living under the shadow of fear. The POCSO Act of 2012, specifically pertains to sexual crimes not in favour of those kids who have not attained the age of majority i.e. who have not reached 18 years or are below the said age. This is just like an umbrella protection for the children. But still in spite of all the Rights, Act, Rules and Regulations, the sexual abuse against children are increasing. The Act provides protection to all the kids from certain crimes that are supposed to be in the form of assaults of various types such as; assault that is sexual in nature, harassment that is sexual in nature, showing of any material which is sexual in nature or even the expressions, trafficking etc. and there by

ensuring rights of the kids are safeguarded. POCSO Act was enacted to cater to the exploitation of children which is sexual in nature and sexually abuse of kids effectively. Across entire globe, abuses of children's rights remain tragically prevalent. But there are wide differences across countries, and we have recently seen a reduction in many types of abuse, both showing that progress can be made, and children can be protected. Sexual violence against children encompasses situations “in which a child is forced to perform a sexual act by a caregiver or neighbour, pressed to have unwanted sexual intercourse by a dating partner, exposed to sexual comments or advances by a peer or an adult, impelled to engage in sex in exchange for cash, gifts or favours, coerced to expose her or his sexual body parts, including in person or online, subjected to viewing sexual activities or sexual body parts without his or her consent, or raped by a group of persons as part of a ritual, a form of punishment or the cruelty of war.” Sexual savagery against kids envelops circumstances in which a youngster is compelled to play out a sexual demonstration by a parental figure or neighbour, squeezed to have undesirable sex by a known person, presented to remarks that are sexual in nature or indications by a known person or a grown-up, actuated to participate in sex in return for money, blessings or favors, pressured to uncover her or his sexual body parts, remembering for individual or on the web, exposed to review sexual exercises or sexual body parts without their assent, or assaulted by a gathering of people as a component of a custom, a type of discipline or the mercilessness of war. Apart from this, even bullying is another form of violence against children. In its broadest sense, harassing alludes to the utilization of hostility to affirm control over somebody. Even more specifically, scholars have described it as physical or verbal actions that have an unfriendly plan, are rehashed after some time, create trouble for the individual in question, and include a lopsided force between the culprit and the victim. Harassment is a major form of violence in many countries in schools and is widespread in all areas.. While total numbers are still high , particularly in those nations with the most minimal ways of life, there are solid cases of nations from a documented perspective that have found out how to essentially carry out broad youth work over the span of a century. One true example is the United Kingdom. Global trends indicate a huge decrease in child labour over the last few decades with respect to late turns of events. In any case, the progress that different nations have achieved is widespread¹.

HISTORICAL DEVELOPMENT OF CHILD RIGHTS

A typical practice in the nation in the ongoing many years, has been to admire the west, glorifying

¹ <https://ourworldindata.org/child-labor>

their practices and propensities, attempting to actualize the equivalent inside our own families, trying to remain on the correct side of modernization. Guardians also join the temporary fad, endeavoring to raise worldwide residents of things to come, taking each pattern they appear to be, the honest to goodness truth. In spite of the fact that there isn't anything amiss with staying aware of the occasions, we are maybe separating ourselves from the jewels covered in our own territory, that the world crosses seas to find out about. The shrewdness and exercises of child rearing in antiquated India, is one such fine case of the genuine fortune our progenitors left us with. The historical backdrop of kids' privileges dates from the nineteenth century. Before that, there were no specific systems set up to ensure youngsters. In antiquated occasions and up to the Middle Ages, in certain pieces of the world guardians even had the intensity of critical over their kids. The historical backdrop of kids' privileges quickened in the twentieth century. In 1919, the League of Nations made a board for the assurance of kids. After five years, it received the Geneva Declaration, first global arrangement on kids' privileges, roused and crafted by Janusz Korczak, who is viewed as the father of kids' privileges. In the nineteenth century, the thought shows up in France to give kids extraordinary insurance, empowering the reformist advancement of "minors' privileges". From 1841, onwards, various laws/norms/guidelines have been devised to provide kids a cordial environment for their development and growth and from 1881 onwards, various laws in France have incorporated appropriate guidelines/provisions/laws for the youngsters. By the beginning of the twentieth century, kids' insurance begins to be set up, remembering assurance for the clinical, societal and legal areas. Such assurances began in France with strong wave and later on it covered almost all parts of Europe a short time later. From 1919 onwards, after the formation of the League of Nations (that became the United Nations) worldwide network has begun to give an idea that some sort of protection in the form of assurance be provided to the young generation².

Old Indian culture dealt with the fine parity of guardians joining and withdrawing from kids at the correct ages. From ages 1 to 5, kids were given full focus, with most extreme significance being laid on their physical and mental turn of events. Considering kids to be the very type of God, originates from this consideration and regard provided to them so as to be raised in a genuinely comprehensive condition. In the years that followed, understudies were sent to Gurukul, where educators were the parental figures in understudies' lives, and guardians took in the craft of separation for a kid's turn of events. The training illuminates letting kids finding their

² <https://www.humanium.org/en/childrens-rights-history/>

own characters and qualities, shaping their own encounters, devoicing guardians the chance of helicopter child rearing. Accordingly, kids were more mindful, develop, and independent, as they grew up. Albeit complete separation may not be commonsense in the current occasions, figuring out how to segregate when suitable, and be available when required, would assist youngsters with cutting their own learning way, without being excessively needy. Instruction was right around as given in antiquated India. Training was upheld as an unquestionable requirement, to achieve request and harmony in the family, just as society. As opposed to prevalent views, young lady kids were additionally urged to be instructed, in spite of the fact that the arrangement of training varied for young men and young ladies. A whole stage among the four phases of life, as referenced in the sacred texts, was devoted to instruction and learning. Youngsters were instructed to pay attention to training, yet in addition love educators as needs be. In the years that understudies remained with the instructors, or granted gaining from them, educators played the part of child rearing in kids' lives.³

MOST COMMON FORMS OF SEXUAL ABUSE

The assault on kids is basic inferable from the odd conviction wherein a child gets abused in various sexual types of abuses. More youthful a young lady, the more noteworthy is a likelihood of her being a virgin. On account of an assault, especially the rape on kids, it is the brain science of youngster to comply with the request for the attacker in the event that he is her overseer, might be the dad, uncle, instructor or superintendent of the inn. It is likewise observed the vast majority of such youngsters who are dependent on victimizers comply with their requests. There are numerous purposes behind youngsters not disclosing expense certainty of sexual maltreatment to their family members or companions. One of the explanations is that they are compromised. The other reason is that as a rule, they are reliant on the individual who had explicitly manhandled them. It is likewise observed that there is danger from the victimizer to the new and darling of the explicitly manhandled youngster. All states additionally have kid defensive administrations organizations that investigate reports of misuse or disregard. In the event that it appears to government social laborers that there's a fast approaching risk in the home, the organization may take the youngster from the guardians' care for arrangement in child care until it turns out to be evident that the home condition is sheltered. In outrageous instances of kid abuse, the researching office may look for help from a court to end parental rights. At the point when this occurs, the

³ Ibid.

youngster might be set for perpetual selection⁴. The attacker is an abnormal sort of sex guilty party as the denounced lean towards real sex relations with an individual of other gender, albeit, tragically, he may pick a kid. There have been various cases in this nation in which the people were found submitting assault upon guiltless youngsters. The hymen is profoundly arranged and as the private part of the lady is small and is outlandish to an entrance of the grown-up private part of the male to occur. Typically, private part of the male is placed inside. Accordingly, the virginity is normally unblemished leading it to little rashness and delicacy of the area. Considering present situation, on account of little youngsters there are not many or no indications of general savagery for the kid ordinarily has no clue about what's going on, and furthermore unequipped for standing up to. Abuses are in various forms and children can face abuse in the form of physical or mental abuse. It is necessary that the young minds are not faced by the problem of abuses that they face at the hands of their perpetrators. There are various forms of abuses that are sexual in nature, some of such abuses inflicted on children are: -

1. **Forced Sex** – It is that form of abuse wherein sex or any other act that is sexual in nature, which ultimately tends to constrain genuinely in one way or other.
2. **Abuse that is sexual in nature** – It is that form of abuse wherein the contact is generally sexual in nature, which is undesirable endeavored contact, physical in nature. It is also in the form of physical contact that is compelling in nature including truly constrained form of physical contact.
3. **Touch that is sexual in nature** – It is that form of abuse wherein there is undesirable contact with casualty in a absolute physical contact way for example squeezing or snatching or kissing or caressing etc.
4. **Pressured Sex** – It is a form of sex wherein the circumstances or the situation is such in which the casualty was compelled somehow or another to have physical contact, sexual in nature without wanting or without consent and sex was conducted or concluded for example irritating, undermining, deceiving or drawing etc.
5. **Physically Forced Sex** – It is that form of abuse wherein the circumstances are such in which the casualty was genuinely compelled to have physical contact without wanting to have it. Such activity is generally forceful in nature. 6. Sexual activity that is unwanted resulting into attempted physical contact – It is the form of abuse where in the circumstances are such where the culprit is attempted to cause casualty with an intention to indulge in sexual activity when she or he would not like to however be fruitless in finishing or concluding sexual

⁴ <https://criminal.findlaw.com/criminal-charges/child-abuse-overview.html>

activity. Obligatory revealing laws ordinarily apply to people, for example, educators, specialists, attendants, social laborers, pastorate individuals, day care laborers and law requirement staff. To secure people who make great confidence reports, state laws frequently give that they can't be sued on the off chance that they end up being in blunder. In numerous states, inability to report kid misuse is additionally a criminal wrongdoing deserving of fines, prison time or both⁵. Youngster misuse cases are a genuine issue and there are unquestionably acts that unmistakably establish misuse. Nonetheless, there can be hazy situations where the law isn't generally that reasonable. In case you're as a rule criminally researched for associated maltreatment with a kid, you ought to consider a secret conference with a criminal safeguard attorney close to you to improve thought of how the law applies to your circumstance⁶. Inappropriate behavior can take an assortment of structures. It incorporates both physical brutality and more inconspicuous types of savagery, for example, pressure or the making of a threatening workplace. A threatening workplace incorporates circumstances, for instance, when the casualty isn't designated to significant boards of trustees, doesn't get data about preparing openings or isn't considered for advancement because of family duties. This kind of sexual harassment is hard to archive yet at the same time can essentially influence ladies' work and profession ways.

Apart from all this, it is also necessary to understand the signs that may result into abuse:

- a) Families such as nuclear families or those families that are isolated and those who do not wish to get involved with the community.
- b) Parents that have a history of abused as children i.e. if they were the victims of abuse in the hands of their guardians or parents.
- c) Financial problems in the families almost all of the time.
- c) Parents who abuse alcohol or drugs or any form of intoxicated substance, so they tend to become impairment due to effects of being intoxicated.
- d) Families those are not flexible in disciplining their kids.
- e) Families who show either too much concern for their child, who show too little concern for their kids.
- g) Families who feel that they have a problematic child.
1. h) Parents who remain under lot of stress. If we look at these issues, it is found that the child under these circumstances, tend to experience abuse.

⁵ Ibid

⁶ Ibid

AIMS AND OBJECTIVES

The purpose of the study is: -

1. To appreciate the gender neutrality of the Act thereby studying whether the Act is in the best interests of the child as stated.
2. To assess the significance of POCSO Act, 2012 in the conduct of criminal justice.
3. To justify the limit of dependency of children victim of crime on POCSO Act, 2012.
4. To study various forms of sexual abuses faced by children.
5. To study punishments accorded to the perpetrators in case of various forms of sexual abuses.
6. To critically analyze the Supreme Court judgments to understand whether such judgments have deterrent effect upon the perpetrators.
7. To study POCSO Act, 2012 as well as similar types of international to understand whether the implantation of the said Act is strong in India.

DIFFERENCE BETWEEN “CHILD” AND “JUVENILE”

CHILD, CHILDREN AND THEIR WELFARE

The Act characterizes youngster to be an individual under 18 years old, and characterizes various types of sexual maltreatment, including penetrative including non-penetrative attack, just as inappropriate behavior and erotic entertainment, and regards a rape to be "disturbed" in specific situations, for example, when the manhandled kid is intellectually sick or when the maltreatment is submitted by an individual in a place of trust or authority versus the youngster, similar to a relative, cop, instructor, or specialist. Individuals who are into trafficking kids for sexual reasons for existing are likewise culpable under the arrangements identifying with abetment. The said Act recommends tough discipline reviewed according to the gravity of the offense, with a most extreme term of thorough detainment forever, and fine. With regards to the best global youngster assurance norms, the said Act likewise accommodates required detailing of sexual offenses. This gives occasion to feel qualms about a legitimate obligation an individual who has information that a youngster has been explicitly mishandled to report the offence; in the event that he neglects to do as such, he might be rebuffed with a half year detainment as well as a fine. As per the Constitutional provisions in Article 39 of the Constitution of India, the national policy is in place which deals with the welfare of the Child. The provisions further state that for the well-being of the children, it is necessary that the growth and development of entire community be considered. And as far as children are considered, they are the asset of any nation. The future of a country is

on kids as such their growth and proper development needs to be taken care of, therefore, it is necessary that special care be provided to the children, which in turn can infill protection and confidence in kids. Children due to their tender age, also are not mature enough to understand various things and are also incapable to look after themselves. This is the reason that the children should be brought up in an atmosphere of care, affection and love thereby giving special attention to their tender age. This will help in boosting the self-respect and self-confidence of the children.

INTERNATIONAL AND NATIONAL PERSPECTIVE ON RIGHTS OF THE CHILD

The King of Saudi Arabia, His Excellency King Salman ordered to put an end to death penalty in Saudi Arabia for the crimes that are committed by minors. This decision has been taken by the King on 21-04-2020. The choice goes ahead the impact points of another requesting judges to end the act of lashing, supplanting it with prison time, fines or network administration and bringing one of the realm's most questionable types of public discipline to a nearby. Ruler Salman's child and beneficiary, Crown Prince Mohammed container Salman, is viewed as the power behind the realm's releasing of limitations and its rotate away from traditionalist translations of Islamic law known as Wahhabism, which numerous in the nation still intently stick to. Notwithstanding some homegrown resistance, the crown sovereign has looked to modernize the nation, pull in unfamiliar speculation and patch up Saudi Arabia's notoriety universally. He's additionally regulated an equal crackdown on nonconformists, ladies' privileges activists, scholars, moderate pastors and reformers. The 2018 slaughtering of Saudi essayist Jamal Khashoggi in Turkey by operators who worked for the crown sovereign drew sharp analysis globally. The most recent imperial pronouncement by King Salman will save capital punishment for at any rate six men from the nation's minority Shiite people group who supposedly carried out violations while younger than 18, including Ali al-Nimr, who had taken an interest in hostile to government fights. Rights bunches like Amnesty International and Human Rights Watch have since quite a while ago approached the realm to nullify the utilization of capital punishment, especially for violations submitted by minors. Saudi Arabia's Supreme Court as of late gave a mandate to end flagellating as a type of discipline at some point in April, as per an archive seen by The Associated Press. The public display of whipping a cuffed detainee for frequently peaceful violations had attracted a few correlations with the sorts of discipline did by radical gatherings like the Islamic State. The Supreme Court record said the choice was in accordance with the realm's changes and improvements in the domain of common freedoms as coordinated by King

Salman and regulated by the crown sovereign. Five years prior, unmistakable Saudi blogger Raif Badawi was given 50 lashes before several onlookers in the metropolitan city of Jiddah. It drew shock and judgment from around the globe, including from a significant number of Saudi Arabia's Western partners. Badawi's feet and hands were shackled during the flagellating yet his face was obvious. Badawi is presently carrying out a 10-year jail punishment and was requested to pay more than USD 266,000 in fines on charges identified with his analysis of Saudi Arabia's ground-breaking pastors on the liberal blog he established. While a few violations, for example, murder, may convey fixed disciplines under Saudi Arabia's translation of Islamic law, or Shariah, numerous different offenses are considered "tazir," which means neither the wrongdoing nor the discipline is characterized in Islam. Optional decisions for "tazir" wrongdoings, for example, beating, have prompted discretionary decisions with combative results. Muslim nations for the most part don't rehearse public lashing.

- **INTERNATIONAL CONVENTIONS/RULES/GUIDELINES**

- 1. UNITED NATIONS CONVENTION ON THE RIGHT OF CHILD (UNCRC)**

This particular convention sets out various rights of the children that they are entitled to, wherever they are. These rights are:

- (a) Social Rights
- (b) Civil Rights
- (c) Economic Rights
- (d) Cultural Rights
- (e) Political Rights

The Convention states that every government should ensure that such rights are available to all the children in their country. The Convention also states how the governments and the adults have to work in consonance to ensure that above rights of the children and protected. All these rights are available to children without any discrimination irrespective of their gender, sex, language, colour, ethnicity, religion or abilities etc.⁷

The said Convention consists of comprehensive list of binding obligations that member states needs to ensure that they oblige by it. Some of the important Articles of UNCRC are:

- 1) Article 2** - This Article states that children should be treated equally without any discrimination.

⁷ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

- 2) **Article 3** - This Article states that whatever steps are taken for children, they have to be taken in the best interests of the children.
- 3) **Article 9** - This Article speaks about those children who have been separated from their parents and the security to be provided to such children.
- 4) **Article 13** - This Article states that every child has a right to express and this is their freedom.
- 5) **Article 23** - This Article deals with the rights of especially abled children.
- 6) **Article 28** - This Article deals with the educational part of children, which means every child should be accorded education. 7) **Article 31** - This Article states that every child should be provided recreational, leisure and cultural activities.

2. UNITED NATIONS CHILDREN'S FUND (UNICEF)

UNICEF was created in 1946, by the U. N. General Assembly for welfare of children in Europe. It was created after the Second World War II, as children suffered a lot. The main objective of UNICEF is to protect the rights of the children and it works towards welfare of children. UNICEF generally works in collaboration with the Government, Private Sectors, NGOs etc. It provides help in shaping policies and creating budget for the betterment of the children. It also supports research carried out in the field of justice for children.

• NATIONAL PROSPECTIVE

1. CONSTITUTIONAL PROVISIONS

The Constitution of India provides various rights to its citizens including the rights to children under Fundamental Rights and Directive Principles of the State Policy. Some of these rights are:

• FUNDAMENTAL RIGHTS

PART III – FUNDAMENTAL RIGHTS

a) **Article 14** - It is the State that tends to ensure that within the territory of India, all persons are treated equally before law and that everyone is provided equal protection.

(b) **Article 15(3)** - The State has powers to provide special provisions to children and women. Nothing can stop the State from making such provisions for the benefit of children and women.

(c) **Article 21** - This Article provides protection against convictions for offences.

(d) Article 21 A - This Article refers to the responsibility of the State in providing compulsory and free education to all the children between the age group six to fourteen years.

(e) Article 23 - This Article pertains to prohibition of trafficking in humans and also against force labour.

(f) Article 24 - The Article provides that no child can be employed in any work in a factory or any workplace who is up to fourteen years. Children can also not be employed in any hazardous employment.

CONCLUSION

Though the POCSO Act is treated as a harsh law, but still there is an increase approximately of 10% against children in Mumbai City alone. In a recent study, the Mumbai police indicated disturbing statistics about the increase in the cases of sexual harassment cases against children alone in the Mumbai City. As compared to the previous year, the cases under this strict Act, i.e. the POCSO Act, it was found that there was increase by 105 in cases of offences against children. As per the reports, now the pace of reporting the cases has increased due to awareness created by the appropriate authorities, which has resulted in raising concern among the children. This awareness has resulted in report of crimes against children. The role of parents cannot be denied, as they have played a phenomenal role in increasing the awareness amongst their kids, thereby explaining their children regarding “good touch” as well as “bad touch”. A thorough way to deal with forestalling brutality against kids is required. The equity framework can assume a job however numerous different segments must be included. Systems are best when executed as a component of an exhaustive, multisectoral approach. Partners in numerous nations are attempting to dispose of savagery against kids, yet their endeavors are not in every case very much organized and upheld. An expansive avoidance structure has been created by the World Health Organization as a team with UNICEF, UNODC and different related to eradicate all sorts of discrimination against children.