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# **CRIMES AGAINST CHILDREN IN INDIA, CAUSES AND SOLUTIONS.**

AUTHORED BY - DR. USHA PALHOEYA

(Assi. Professor. S V I L Indore.)

## **ABSTRACT**

Crimes committed against children fall under the category of social and moral crimes. The progress of any nation can be estimated by looking at the childhood of its children, so Professor Canby. The more a country works for the welfare of children, the more the intellectual capacity of children will increase and later on that intellectual capacity becomes the basis of that country's progress. But despite so many laws for children, the rate of crimes against children is constantly increasing. The main reason for this is the change in our social structure. But today we see that as society is progressing, the social values are getting damaged. Due to this, the social structure has been damaged somewhere. The result of this is that crimes against women and children are happening every day. An example of this can be seen in the crime record data. The increase in the crime rate against children is not a good sign for the future of any country.

Although social, economic, political and moral reasons are responsible for crimes against children. Many laws have been made for children in India. In those laws, a child has been defined in different ways. Child protection laws in India are designed to safeguard the rights and well-being of children. These laws aim to protect children from abuse, exploitation, and neglect, ensuring their safety and development. Below are the key child protection laws in India, along with specific issues related to child protection? Different laws have been created to protect children from crimes. "child" means any person below the age of eighteen years.<sup>1</sup>The Justice Care and Protection Act includes in the definition of a child a person who has not attained the age of 18 years. This research article is based on the crimes committed against these children. The main objective of this research article is to know the causes of crimes and to provide suggestions.

Child labour is one of the serious problems facing the international community today. According to the report of the ILO organization, about 250 crore children are working in very bad conditions

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<sup>1</sup>. Sec2(3) Bharatiya Nyaya Sanhita, 2023.

as child labour in developing countries. The United Nations aims to eliminate crimes like child labour from the world. This article has drawn conclusions based on the data obtained from NCRB. Only secondary data has been used.

## INTRODUCTION

Today, crime against children is spreading like a social epidemic. Crimes committed against children fall under the category of social and moral crimes. The progress of any nation can be estimated by looking at the childhood of its children, so Professor Canby. The more a country works for the welfare of children, the more the intellectual capacity of children will increase and later on that intellectual capacity becomes the basis of that country's progress. But despite so many laws for children, the rate of crimes against children is constantly increasing. The main reason for this is the change in our social structure. But today we see that as society is progressing, the social values are getting damaged. Due to this, the social structure has been damaged somewhere. The result of this is that crimes against women and children are happening every day. An example of this can be seen in the crime record data. The increase in the crime rate against children is not a good sign for the future of any country.

Although social, economic, political and moral reasons are responsible for crimes against children. Many laws have been made for children in India. In those laws, a child has been defined in different ways. Child protection laws in India are designed to safeguard the rights and well-being of children. These laws aim to protect children from abuse, exploitation, and neglect, ensuring their safety and development. Below are the key child protection laws in India, along with specific issues related to child protection. Different laws have been created to protect children from crimes. "child care" means any person below the age of eighteen years<sup>2</sup>The Justice Care and Protection Act includes in the definition of a child a person who has not attained the age of 18 years. This research article is based on the crimes committed against these children. The main objective of this research article is to know the causes of crimes and to provide suggestions.

Child labour is one of the serious problems facing the international community today. According to the report of ILO organization, about 250 crore children are working in very bad conditions as child labour in developing countries. The United Nations aims to eliminate crimes like child labour from the world.

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<sup>2</sup>Sec2(3) Bharatiya Nyaya Sanhita, 2023.

Crime against Children A total of 1, 62,449 cases of crime against children were registered during 2022, showing an increase of 8.7% over 2021 (1,49,404 cases). In percentage terms, major crime heads under 'Crime Against Children' during 2021 were Kidnapping & Abduction (45.7%) and Protection of Children from Sexual Offences Act, 2012 (39.7%) including child rape. The crime rate registered per lakh children population was 36.6 in 2022 in comparison with 33.6 in 2021.

As stated earlier, crime has been defined as an anti-social, immoral or sinful behaviour which is contrary to the cherished norms, beliefs, customs and traditions of a given society. According to another school of thoughts, crime is an act which a particular social group regard as sufficiently menacing to its fundamental interests to justify formal reactions to restrain the violation.

According to the legal definition, crime is any form of conduct which is declared to be socially of some punishment harmful to a state and as such. Forbidden by law under pain of some punishment. Child protection laws in India are designed to safeguard the rights and well-being of children. These laws aim to protect children from abuse, exploitation, and neglect, ensuring their safety and development. Below are the key child protection laws in India, along with specific issues related to child protection.

The United Nations Convention on the rights of the child (UNCRC) attributes rights and freedoms to children.

### **UNITED NATIONS CONVENTION ON THE RIGHT OF THE CHILD**

The United Nations Convention on the rights of the child (UNCRC) was adopted in 1989. It is the most widely ratified human rights treaty in history. This is in itself an acknowledgement of the importance of children's rights. The UNCRC embodies the idea that every child should be recognised, respected and protected as a rights holder and as a unique and valuable human being. It applies to all persons under the age of 18.

### **UNCRC <sup>3</sup>**

The UNCRC was drafted in 1989 and is the most widely ratified human rights treaty in history. 196 countries have ratified it, including the United Kingdom on 16th December 1991. The USA is the only country that has not ratified the Convention.<sup>4</sup>

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<sup>3</sup> <https://www.united-nations-convention-of-the-rights-of-the-child>.

<sup>4</sup> <https://www.un-convention-on-the-rights-of-the-child>.

The UNCRC consists of 54 articles that set out children's rights and how governments should work together to make them available to all children.

Life, survival and development

Protection from violence, abuse or neglect

An education that enables children to fulfil their potential

Be raised by, or have a relationship with, their parents

Express their opinions and be listened to.

In 2000, two optional protocols were added to the UNCRC. One asks governments to ensure children under the age of 18 are not forcibly recruited into their armed forces. The second calls on states to prohibit child prostitution, child pornography and the sale of children into slavery. These have now been ratified by more than 120 states.

A third optional protocol was added in 2011. This enables children whose rights have been violated to complain directly to the UN Committee on the Rights of the Child.<sup>5</sup>

## **CHILD PROTECTION LAW IN INDIA**

Constitutional Provisions Rights of Children.

The Constitution of India guarantees certain rights to the children of India which are mentioned in its Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy). These are Article 15(3): Discrimination is prohibited by the constitution. However, it shall not hold a ground to forestall the state from creating special provisions for children for his or her advantage.

Article 21: Nobody shall be bereft of his life or personal liberty unless by a due process of law. An individual should have proper and adequate food, shelter, clothing, etc. Such life shall not mean mere animal existence.

Article 21A: The State shall offer free and required education to any or all the children falling within the age group of six to 14 years in such manner which the State could, by law, determine.

Article 23: Prohibits trafficking in citizenry and beggar or the other sort of forced labour.

Article 24: Prohibits employment of youngsters beneath the age of fourteen years in an exceedingly mill, mine or in the other dangerous employment.

Article 39 (e): The state shall thrive to make sure that the tender age of youngsters isn't abused, and that people aren't forced by financial necessity to enter into activities which are unsuited to their age or strength.

Article 39 (f): The state shall guarantee children opportunities and facilities to develop in an exceedingly healthy manner and in conditions of freedom and dignity. It should even be ensured

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<sup>5</sup>. [what-we-do/childrens-rights/s/united-nations-convention-of-the-rights-of-the-child](https://www.unicef.org/india/what-we-do/childrens-rights/s/united-nations-convention-of-the-rights-of-the-child).

that childhood and youth of the child is protected against exploitation and against unethical and material abandonment. Provisions for academic opportunities and facilities.

Article 45: The state shall endeavour to produce free and required education to kids till they attain they age of fourteen years.

Article 51(k): It shall be the duty of each national of India who may be a parent or guardian to produce opportunities for education to his kid or, because the case could also be, ward between the age of six and fourteen years. Of Woman and Child Development to Panchayat (Item twenty-five of Schedule 11).

### **THE BHARATIYA NYAYA SANHITA, 2023**

Sec-20. Nothing is an offence which is done by a child under seven years of age.<sup>6</sup>

Act of a child above seven and under twelve years of age of immature understanding.

Sec-21. Nothing is an offence which is done by a child above seven years of age and under twelve years of age, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.<sup>7</sup>

Sec-139. (1)<sup>8</sup> Whoever kidnaps any child or, not being the lawful guardian of such child, obtains the custody of the child, in order that such child may be employed or used for the purposes of begging shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(Sec 143. (1)<sup>9</sup> Whoever, for the purpose of exploitation recruits, transports, harbours, transfers, or receives a person or persons, by—

(a) using threats; or

(b) using force, or any other form of coercion; or

(c) by abduction; or

(d) by practising fraud, or deception; or(e) by abuse of power; or (4) Where the offence involves the trafficking of a child, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.<sup>10</sup>

Sec 144(1) Whoever, knowingly or having reason to believe that a child has been trafficked, engages such child for sexual exploitation in any manner, shall be punished with rigorous

<sup>6</sup> Sec-20Bharatiya Nyaya Sanhita, 2023.

<sup>7</sup> Sec -21 Bharatiya Nyaya Sanhita, 2023.

<sup>8</sup> Sec 139 (1)Bharatiya Nyaya Sanhita, 2023.

<sup>9</sup> Sec 143 (1) 2023the bhartaiya nyay sahita,2023.

<sup>10</sup> Sec 144 (1) 2023the bhartaiya nyay sahita,2023.

imprisonment for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.,

Sec295.<sup>11</sup> Whoever sells, lets to hire, distributes, exhibits or circulates to any child any such obscene object as is referred to in section.

Sec294,<sup>12</sup> or offers or attempts so to do, shall be punished on first conviction with imprisonment of either description for a term which may. extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for term which may extend to seven years, and also with fine which may extend to five thousand rupees. Procuration of child.

Sec 96.<sup>13</sup> Whoever, by any means whatsoever, induces any child to go from any place or to-do any act with intent that such child may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Sec-98.<sup>14</sup> Whoever sells, lets to hire, or otherwise disposes of any child with intent that such. Child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

### **SPEAL LAW IN INDIA.**

1. Juvenile Justice (Care and Protection of Children) Act, 2015
2. Protection of Children from Sexual Offences (POCSO) Act, 2012<sup>15</sup>

Objective: Protects children from offenses of sexual assault, sexual harassment, and pornography. Provisions: Defines a child as anyone below 18 years of age. It provides for child-friendly mechanisms for reporting, recording of evidence, investigation, and speedy trial of offenses through designated Special Courts.

3. The Prohibition of Child Marriage Act, 2006. It restraints child marriage until the minimum age, i.e. 21 for male and 18 for female, has been attained by them. It applies to the people of all the religions. The basic objective of the Prohibition of Child Marriage

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<sup>11</sup> Sec 295 2023the bhartaiya nyay sahita,2023.

<sup>12</sup> Sec 294) 2023the bhartaiya nyay sahita,2023.

<sup>13</sup> Sec 96 2023the bhartaiya nyay sahita,2023.

<sup>14</sup> Sec 98 2023the bhartaiya nyay sahita,2023.

<sup>15</sup> Protection of Children from Sexual Offences (POCSO) Act, 2012

Act, 2006 is to provide for the prohibition of solemnization of child marriages and for matters connected therewith or incidental thereto.

4. The Right of Children to Free and Compulsory Education (RTE) Act, 2009.

Objective: Ensures free and compulsory education for all children aged 6 to 14 years. Provisions Mandates non-discriminatory access to education, setting norms for school infrastructure, teacher-student ratios, and qualifications.

5. Child Labour (Prohibition and Regulation) Act, 1986 and Amendment Act, 2016

### **CHALLENGES IN CHILD PROTECTION.**

1. Technological Advances:
2. Global Crises:
3. Cultural and Societal Barriers:

### **ROLE OF JUDICIARY<sup>16</sup>**

Judiciary in India has been able to restore the human rights to the people. But even the judiciary has been found wanting at times while dealing with these issues.

Apex Court is established at the apex of the judicial system as the final interpreter and guardian of the Constitution and of the fundamental human rights of the people. In the course of its functioning it had many opportunities to expand its scope of operation through its power of interpretation. It would not be overstating that that judiciary has played a crucial and central role in protecting “Child” means any person below the age of eighteen years<sup>17</sup> Human rights today occupy the top slot in priority, nationally and internationally, over other issues relating to mankind. Unfortunately, its observance leaves much to be desired. With a growing tendency of the legislature and executive to be apathetic towards human rights, the very survival of mankind is under threat. Large scale human rights violations take place right under the nose of the government. At times the State itself is a perpetuator of this crime. Under such circumstances, the role of judiciary in protecting human rights of children become crucial and important. Judiciary in India has been able to restore the human rights to the people. But even the judiciary has been found wanting at times while dealing with these issues. Apex Court is established at the apex of the judicial system as the final interpreter and guardian of the Constitution and of the fundamental human rights of the people. In the course of its functioning it had many opportunities to expand

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<sup>16</sup> Law mantra Volume 6 Issue 3

<sup>17</sup> Bharatiya Nyaya Sanhita, 2023.

its scope of operation through its power of interpretation. It would not be overstating that that judiciary has played a crucial and central role in protecting human rights. A large number of cases decided in the last two decades go to show that judiciary is working relentlessly towards the goal of achieving “all humans’ rights for all”.<sup>18</sup>

The judiciary in India has shown its deep concern for the human rights of these children. In *M.C.Mehta vs. State of Tamil Nadu*<sup>19</sup> the SC while keeping the interest of the children, as also the constitutional mandate in view held that employment connected with manufacturing process in the match factory is not to be given to children. They can, however, be employed in packing process and the packing must be done in area away from the place of manufacture.

## CRIME AGAINST CHILDREN’S DATA ANALYSES

### (ii) SLL Crimes against Children (Crime Head-wise & State/UT-wise) - 2022

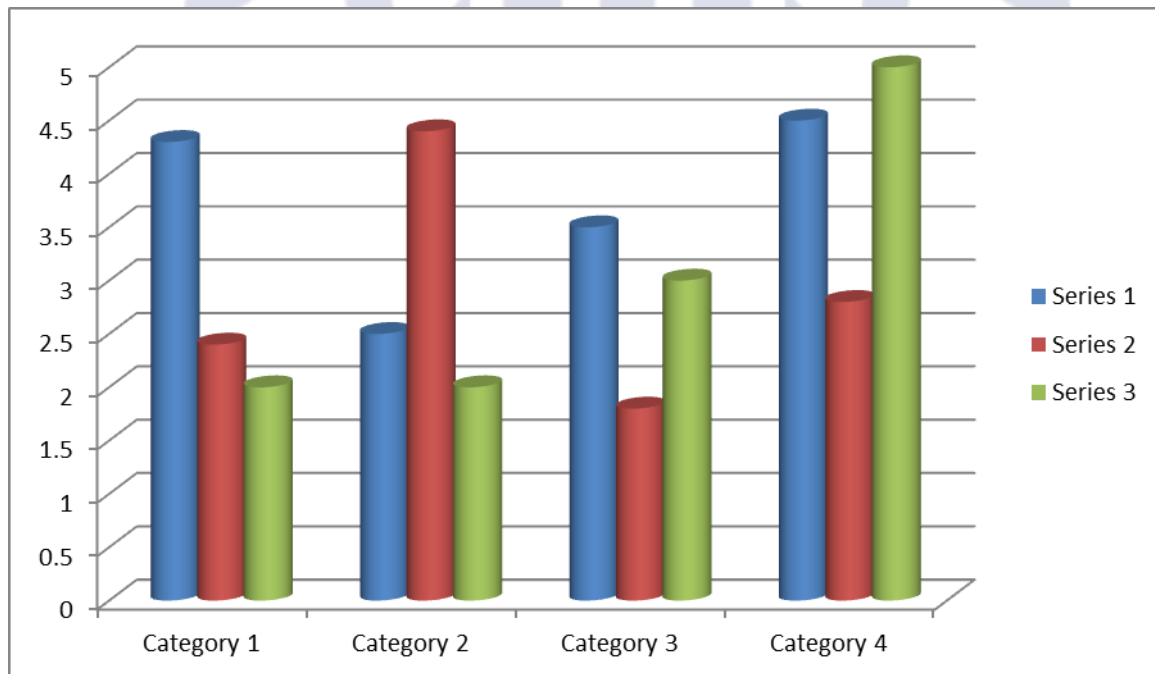
(Continued)

SL	State/UT	Protection of Children from Sexual Offences Act (POCSO) r/w Sec.376,354, 509 IPC								
		Section 12 of POCSO Act or POCSO Act (Section 12) r/w Section 509 IPC								
		Section 12 of POCSO Act or POCSO Act (Section 12) r/w Section 509 IPC (Total)			A girls			B) Boys		
		I	V	R	I	V	R	I	V	R
(1)	(2)	117	118	119	120	121	122	123	124	125
1	Andhra Pradesh	682	695	4.5	682	695	4.5	0	0	0.0
2	Arunachal Prod	16	360	2.7	16	26	2.7	0	0	00
3	Assam	322	360	2.7	322	360	2.7	0	0	00
4	Bihar	1013	1014	2.1	1013	1014	2.1	0	0	00
5	Chhattisgarh	512	523	5.3	510	521	5.2	2	2	00
6	Goa	3	3	0.8	0	0	0.0	3	3	0.8
7	Gujarat	229	229	1.1	228	228	1.1	1	1	0.0
8	Haryana	655	656	7.2	641	642	7.0	14	14	0.00.2
9	Himachal Pradesh	7	8	0.3	5	6	0.2	2	2	0.1
10	Jharkhand	203	203	1.5	199	199	1.4	4	4	0.0
11	Karnataka	595	635	3.1	590	630	3.0	5	5	0.0
12	Kerala	1186	1192	12.6	1018	1023	10.8	168	169	1.8
13	Madhya Pradesh	2230	2233	7.8	2230	2233	7.8	0	0	0.0
14	Maharashtra	2935	3065	8.1	2922	3052	8.1	13	13	0.0
15	Manipur	9	9	0.9	9	9	0.9	0	0	0.0
16	Meghalaya	61	61	4.4	60	60	4.3	1	1	0.1
17	Mizoram	31	33	7.3	30	32	7.1	1	1	0.2
18	Nagaland	4	4	0.5	4	4	0.5	0	0	0.0
19	Odisha	669	669	4.6	669	669	4.6	0	0	0.0

<sup>18</sup> Law mantra Volume 6 Issue 3

<sup>19</sup> AIR. 1991 SC. 417

20	Punjab	194	195	2.2	193	194	2.2	1	1	0.0
21	Rajasthan	1358	1358	4.8	1357	1357	4.8	1	1	0.0
22	Sikkim	28	32	13.6	28	32	13.6	0	0	0.1
23	Tamil Nadu	961	1025	4.7	948	1008	4.6	13	17	0.1
24	Telangana	891	912	7.8	889	910	7.8	2	2	0.0
25	Tripura	36	36	2.9	36	36	2.9	0	0	0.0
26	Uttar Pradesh	4360	4368	5.1	4359	4367	5.1	1	1	0.0
27	Uttara hand	170	170	4.5	170	170	4.5	0	0	0.0
28	West Bengal	759	798	2.5	752	791	2.5	7	7	0.0
	TOTAL STATE(S)	20119	20512	4.7	19880	20268	4.6	239	244	0.1
	UNION TERRITORIES:									
29	A&N Islands	20	20	17.8	19	19	16.9	1	1	0.9
30	Chandigarh	0	0	0.0	0	0	0.0	0	0	0.0
31	D&N Haveli and Daman & Diu	9	19	4.7	9	19	4.7	0	0	0.0
32	Delhi	524	533	9.5	511	520	9.2	13	13	0.2
33	Jammu & Kashmir	40	40	0.8	39	39	0.8	1	1	0.0
34	Leach	2	2	2.4	2	2	2.4	0	0	0.0
35	Lakshadweep	5	5	25.1	2	2	10.0	3	3	15.1
36	Puducherry	34	36	9.5	32	33	8.9	2	3	0.6
	TOTAL UT(S)	634	655	5.5	614	634	634	20	21	0.2
	TOTAL ALL INDIA	20753	21167	4.7	20494	20902	4.6	259	265	0.1



Crime against Children (IPC+SLL) - 2020-2022<sup>20</sup>

<sup>20</sup> Crime in India 2020 Chapter-4A Crime Against Children (States/UTs) VOLUME - I

A total of 1,62,449 cases of crime against children were registered during 2022, showing an increase of 8.7% over 2021 (1,49,404 cases). [Table – 4A.1] In percentage terms, major crime heads under ‘Crime Against Children’ during 2021 were Kidnapping & Abduction (45.7%) and Protection of Children from Sexual Offences Act, 2012 (39.7%) including child rape. The crime rate registered per lakh children population was 36.6 in 2022 in comparison with 33.6 in 2021. [Table – 4A.3] <sup>21</sup>

Crime against Children (IPC+SLL) - 2020-2022

(States/UTs) 8C.1 Prevention of Corruption Act Cases (State/UT-wise) - 2019-2021 779 8C.2 Prevention of Corruption Act, 1988 and Related IPC Sections - 2021 780 8C.3 Police Disposal of Anti-Corruption Bureau, Vigilance and Look Adulate Cases (State/UT-wise) - 2021 781 8C.4 Court Disposal of Anti-Corruption Bureau, Vigilance and Look Adulate Cases (State/UT-wise) - 2021 782 8C.5 Action against Persons Arrested and Dep. Action taken In Offences under P.C. Act - 2021 Crime Against Children (States/UTs) TABLE 4A.2 <sup>22</sup>

## CONCLUSION AND SAGUSSAN

Today, crime against children is spreading like a social epidemic. The progress of any nation can be judged by looking at the childhood of its children and the progress of any country can be judged by looking at the crime rate of crimes against children in that country. The more a country works for the welfare of children, the more the intellectual capacity of the children will increase and in future this intellectual capacity will become the basis of the character of that country. But today we see that as the society is moving forward on the path of progress, its social values are declining and as a result somewhere the social structure is getting damaged and distortions are coming in the society. Due to this, crimes against women and children are increasing continuously today. We can clearly understand this by looking at the data of National Crime Records. The increase in crime against children is not a good sign for the progress of any country. The main reason for crime against children in the world is the delicate age and openness of children. Criminals take advantage of this and commit crimes. According to a UNICEF report, even today in this progressive country, more than 2 crore children are working in bad conditions as child labour in some form or the other.

The aim of the article is to analyse and conclude the statistics of crimes against children and to

<sup>21</sup> <https://ncrb.gov.in/crime-in-india>.

<sup>22</sup> Crime in India 2020 Chapter-4A Crime Against Children (States/UTs) VOLUME - I

find out to what extent the current law has been successful. If we look at the statistics of crimes against children, we come to this conclusion

A total of 1,62,449 cases of crime against children were registered during 2022, which shows an increase of 8.7% as compared to 2021 (1,49,404 cases). In percentage terms, the major crimes under 'crimes against children' during 2021 were kidnapping and abduction (45.7%) and Protection of Children from Sexual Offences Act, 2012 (39.7%) including rape of children. The crime rate registered per one lakh child population in the year 2022 was 36.6, while in the year 2021 it was 33.6. About 60% of crimes against children are committed by family members or people of the society or acquaintances. These crimes are mainly committed against children such as child labour, child pornography, kidnapping etc. Nowadays, the tendency of making children commit crimes on a large scale by including them in their criminal gangs by organized criminals has increased. The main crimes against children include murder, rape, begging, mental torture, child labour, ghost killing etc. Thus, various types of crimes are committed against children by the society from their birth to adolescence. Crimes against children are committed due to the indifference of family members and lack of attention towards children and today's capital economy and our weak laws, due to which the criminals go scot-free. In the absence of sons, the person committing crime against children escapes easily, because it is an acquaintance of ours or a member of our own family who commits crime against the child. Recently, there have been changes in our laws. Only the future will tell to what extent these laws have been successful in preventing crime.

1. There is a need to strictly implement the special law made for children. There is a need to create awareness among boys and girls about the crimes committed against them and the measures to avoid them.
2. Girls should understand the difference between good and bad touch so that they can be saved from sexual harassment. Children should be kept away from excessive use of social media.
3. Information about crimes against children should also be included in the children's curriculum so that children can be aware of the crimes against children and can protect themselves.
4. By counselling children from time to time, information about the incidents happening with children can be obtained so that it can be ascertained whether any child is becoming a victim of any crime. These things should be implemented in practice so that if a person is unnecessarily showing more interest in a child, then he should be monitored. If parents

notice any change in the behaviour of their children, then they should get counselling done and find out whether any crime has been committed against the child. 4. If a child is adopted, then correct information about his parents and the entire background of the family should be given to the police. Guidelines should be made and implemented in schools to prevent child crime. If a child works as child labour, strict action should be taken against the person who employed him.

Crimes against children have become an issue all over the world and despite having strict rules, their lack of proper implementation is the main reason for the increase in these crimes. The main reason for crimes against children in India is hunger, poverty and illiteracy, child labour and lack of proper implementation of our laws. There is no dearth of laws made for children in India and there is also adequate provision of punishment in them and the special laws that have been made are working in their place but the biggest drawback is the lack of proper implementation of these laws.

