

Child Abuse: A Widespread Epidemic In Indian Society

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Abstract

Children are the world's most valuable resource and its best hope for the future.

John F. Kennedy

Children are the stepping stones of success and development in a country. They could be considered as the flowers with breathtaking fragrance in the garden of people. As the responsible citizens of our country, it is our duty to protect them. It is important that every child is looked after and cherished well. Sadly, not every person has a good memory of his/her childhood. Most of the children are subjected to maltreatment of some or the other kind in their childhood. This leaves a permanent mark in their life. It is very difficult for them to move ahead in life once they are subjected to maltreatment. Not only are the children victims of maltreatment in rural areas but the incidences are on rise also in urban areas. Children are made to work, clean shoes, earn bread for the family in tender years of their life. The most pitiless and terrible form of maltreatment is sexual abuse.

Keywords: Child, Maltreatment, Protection, Abuse, Labour

Introduction

Children are the most vulnerable targets of abuse in the modern society. They are focussed by the perpetrator at every minute of their lives. They are in need of utmost care and protection during tender years of their lives. It is of extreme importance that the care which they are in need of during their childhood must be provided to them by the closest family members. In case, they are abstained from this care during this period of their life, they began to hunt for the same in outside world which is not so safe place for them to be in.

Maltreatment of children has been existing in society since a very long time. There has to be awareness with regard to the same. The parents are of the opinion that giving punitive treatment to any child, will help in improving him or her but in fact it leaves a permanent scar on the delicate mind of the child and that results in stunting the mental and social growth of the child.

India houses 19% of the total children present in the world. Out of these 19%, 18% are below the age of 18 years. In a survey conducted by the Government of India, it has been proved that 53% of the children are subjected to some or the other abuse in India. The child abuse cases have considerably increased in the last decade.

Types of Child Abuse

- a) Physical Abuse
- b) Emotional Abuse
- c) Sexual Abuse
- d) Neglect
- e) Fabricated or induced illness
- f) Societal abuse
- g) Intimate Partner Violence (IPV)
- h) Cyber Abuse

a) Physical Abuse

When the bruises and injuries are visible on the body of the child it has been termed as physical abuse. The injury marks may be visible on the exposed or unexposed parts of the body. The examination of the skin is of primary importance since it is the most commonly affected as well as visible organ. Physical abuse also includes poisoning, shaking, drowning which may not be visible with naked eyes and thus for it to be proved, it is important that history and circumstances in relation to the child are analysed.

Fracture of any bone in a child's body should also be critically examined as a doubt with regard to physical abuse cannot be avoided.

b) Emotional Abuse

Emotional abuse is also termed as psychological abuse. It creates an impact upon the mental well-being of the child. The psychological abuse may also be in conjunction with physical abuse. In emotional abuse, the child is a victim of tremendous mental trauma. There are instances when the child feels his/her self-esteem being lowered or starts shying away from the crowd or does not feel happy being in a particular place due to emotional abuse. The child is manipulated and controlled in such a way that he/she loses its self-worth.

c) Sexual abuse:

This is the most common form of abuse existing in India. It is shocking and unbelievable to note that at most of the instances, the perpetrator is a person who is very well known to the child. In fact, at most of the times it is the family member who takes advantage of the state of the child. Some of the common types of sexual abuse are Exhibitionism, or exposing oneself to a minor, Fondling, Intercourse, Masturbation in the presence of a minor or forcing the minor to masturbate, Obscene conversations, phone calls, text messages, or digital interaction, Producing, owning, or sharing pornographic images or movies of children, Sex of any kind with a minor, including vaginal, oral, or anal Sex trafficking and any other contact of a sexual nature that involves a minor.

d) Neglect:

This is also a form of abuse. In case a child is neglected by the parents, or any other family members it is also termed as neglect. There are instances when the child is untreated for any of his/her wound, it is also termed as Neglect. The child may be neglected physically or even emotionally. It also includes carelessness, unwillingness and indifference. In case of neglect, children are at times not even aware that they are victims of some form of abuse as there are no visible marks of injury upon the body of the child.

e) Fabricated or Induced Illness

This is a very rare form of child abuse. It is when a parent or caretaker of the child, deliberately induces some form of disease in the child. The parent exaggerates symptoms of illness in a child. This is not done intentionally to deceive the doctor but the behaviour of this sort will deliberately harm the child in some manner or other. In this form of abuse, the child may begin to believe that he/she is suffering from some disease.

This is done by the parents possibly so that the child gets more attention or the parent gets an opportunity to be with the child even when not required. In most of the cases, it has been observed that the parents are in need of psychiatric treatment when they subject their child to induced illness.

f) Societal abuse

This is a form of abuse which is visible in the form of child labour, child beggary, child marriage etc. This is very common in poor community.

g) Intimate Partner Violence (IPV)

This is a secondary form of abuse. In this form, the child does not face abuse directly but suffers due to the behavioural pattern exhibited by the parents in front of the child. Presence of the child at a place where violence is taking place abuses the child to such an extent that the child develops psychological as well as emotional stress. Depression and anxiety are major after effects of Intimate Partner Violence.

h) Cyber Abuse

This is the most common form of abuse faced by the generation today. The amount of time the children spend being online is much more than that is actually needed. They are exposed to all kind of people and often also share their personal moments with strangers. Although internet is a great place to learn and interact it can also be a threat to life.

It can happen through web, social media platform, text messages, live streaming sites, online gaming sites etc.

The child may be abused through cyber mode by strangers as well as by people whom they know. Some of the common forms of cyber abuse are stalking¹, cyber bullying², grooming³, sexting⁴, emotional abuse, sexual exploitation, sexual abuse.

The parents are required to be aware about the screen time of the child and also the usage. They need to educate the child with regard to the pros and cons of internet usage. The child must know what is to be shared and what is not to be shared online. The child must use the internet under parental supervision.

¹ Stalking-When a person constantly follows a person resulting in harassment of the other

² Cyber bullying-It is a means of harassment using online mode

³ Grooming-Establishing contact with the child and at times also its family with an ulterior motive of sexual abuse of the child in future

⁴ Sending messages relating to sex or intimate body parts

Causes of Child Abuse

At most of the instances, child abuse is a result of Broken family, Poverty, neglected environment at household, Untreated Mental Illness, lack of parenting skills.

Effects of Child Abuse

Child Abuse results in psychological disorders in the child. There are possibilities that the child can never stand on its own feet in life. The child is mentally as well as psychologically affected to such an extent that the child also exhibits developmental delay. The child who is abused often has suicidal tendencies. Such children have sleep disorders.

Risk Factors of Child Abuse

The biggest risk factor in case of Child abuse is that the child who is the victim of child abuse in its childhood generally becomes the perpetrator in his/her future. They often feel that whatever they have faced in their childhood should be faced by others too in their childhood. They try to understand the situation of a child and begin to target him/her in such a manner in which they were targeted in their childhood. This results in vicious cycle.

In case a person is facing Post Traumatic Stress Disorder (PTSD) or any other form of physical or mental disorder or is undergoing depression, in order to satisfy self, he/she might abuse a child.

Family crisis or Single parenting may be another very important reason because of which children are abused even within their family.

In case a person himself/herself has a child in the family who is mentally depressed, physically disabled or developmentally weak the person may have tendencies to abuse a child.

Financial stress or unemployment, alcohol or substance use by a person may also trigger abusive behavioural pattern in an adult.

Symptoms of Child Abuse

Child abuse is patently visible in a child who has been abused in any manner. The child may look confused and not in the right frame of mind. It is possible that the child may feel ashamed of himself/herself and may not be in a position to communicate the incident even to the family members especially if in case the perpetrator is any of the parent or close family relative.

Certain behavioural patterns act as red flags to notice Abuse in children. These include changes in school performance, sudden changes in behaviour which includes depression, hyperactivity, aggression, anger, hostility, unusual fears.

The child may also be a victim of unusual night mares on day-to-day basis and may attempt suicide numerous times. The child may also start lacking self-confidence and a feeling of hatred towards self.

Depending on the type of abuse, the symptoms also vary. and vice versa at times, the existence of symptoms does not by itself signify that abuse has occurred.

Legislations pertaining to Child Abuse

In a country like India, it is very difficult to be a parent where the children are at risk at all stages of their life. Thus, not only the parents at individual level but also the legislature has made tremendous efforts in making laws for the protection of children from all forms of abuse.

The Indian Penal Code, 1860 has certain sections to protect children from abuse at all ages.

India is a country which has the most comprehensive piece of legislation which is The Protection of Children from Sexual Offences Act, 2012 (POCSO Act, 2012)

This legislation aims at protecting the children from all forms of sexual abuse and exploitation. In addition to the POCSO Act, the Government of India has launched a 24 into 7 National help line to help and rescue the children of abuse. A lot many extraordinary steps have also been taken by the National Commission for the Protection of Child Rights for the betterment and safe future of Children. In some of the States special courts have been set up to deal with the matters relating the children and also to expeditiously try the matters.

In the State of Goa, apart from POCSO, there also exists another piece of legislation known as The Goa Children's Act. This act came into force in the year 2003. Its objective is to protect, promote and preserve the best interests of the children in the State of Goa and to create a society which is child friendly in nature.

It lays down certain guidelines which are to be strictly adhered to in all instances relating to children. It states that respect and dignity of a child needs to be protected whether a child is connected to the system as a victim, an accused or a witness.

Other effective remedies to tackle Child Abuse

The ultimate aim of the society today must be to end the child abuse. It is vital to provide help to the parents or people who hurt them.

The child's doctor is the best professional who can provide assistance in understanding a child's need at every age. He is also in a better position to suggest other assistance providers.

Local Health Providers and Social Service departments also ensure financial assistance to the parents who abuse their children since they are in a difficult situation.

Community centres and hospitals also function for betterment of children. They help in stress reduction, parenting skills and anxiety. There are counsellors, care givers and psychologists who are specifically deployed to deal with the parents as well as children who have faced abuse or are vulnerable targets of abuse.

The need of the hour is that every child must be aware about his/her right. The Parents must invest sufficient time in their children so that the children do not feel the need to have proximity with any stranger.

Few Landmark judgements of the Apex Court on Child Abuse

a) Dinesh v. State of Rajasthan⁵

In this case, the victim was returning from a marriage at night, when the accused sexually assaulted her. He also threatened her not to disclose the incident to anyone. Due to extreme pain, the victim narrated the incident to her sister, mother and grandmother, after which the accused was arrested. There was no relief given to the victim at the subordinate court. But the Apex Court asked the accused to provide 50,000 compensation to the victim and also imprisonment. The Apex Court also stated that at no stage of the trial and in no publication of the judgement, the identity of the victim should be revealed.

b) Vishal Jeet v. Union of India⁶

In this case a Writ Petition was filed under Article 32 of the Indian Constitution seeking directions for inquiry against police officials under whose jurisdiction the malady of forced prostitution, devadasi system and jogin traditions were flourishing and for rehabilitation of the victims of this malady.

The Supreme Court issued directions to the State Government for eradicating child prostitution and setting up rehabilitative homes for such children.

c) Master Rajeev Shankarlal Parmar v. Officer in Charge, Police⁷

In this case, directions were issued by the Apex Court to every State Government that with respect to cases in which an offence punishable with imprisonment for 7 years or less has been committed, the investigation has to be completed within a period of 3 months as far as possible. And once the charge sheet is filed, the trial has to be completed within a period of 6 months, failing which the prosecution will be quashed.

d) Om Prakash v. State of Uttar Pradesh⁸

In this case, it has been stated that the victim of sexual assault, under no circumstances can be considered as an accomplice. In addition to this, her evidence also does not have to be corroborated even by a doctor. Upon examination of the victim, in case the doctor finds absolutely no sign of Rape also, it cannot be said that the prosecutrix is lying.

e) State of Punjab v. Gurmeet Singh⁹

In this case it was held that, in case of Gang Rape of a girl below 18 years of age, acquittal of persons results in grave miscarriage of justice. The Judiciary needs to look into the evidence more meticulously.

f) Sakshi v Union of India¹⁰

In this case, an NGO had filed a writ petition asking the Supreme Court to declare all forms of penetrations within the ambit of Sexual Intercourse under Section 375 of the Indian Penal Code

g) Court on its own Motion v. State of Delhi¹¹

In this case, the deciding court has issued directions with regard to the sensitivity of the Indian Criminal Justice System towards the child victims of Sexual Abuse, the manner in which the investigation must be carried out by the police, the medical examination procedure to be adapted, the procedure to be followed by the trial court and the recording of statement by the magistrate.

⁵ AIR 2006 SC 1267

⁶ AIR 1990 SC 1412

⁷ 2003 Cri L.J 4522

⁸ Criminal Appeal Number 629 of 2006

⁹ AIR 1996 SC 1393

¹⁰ AIR 2004 SC 3566

¹¹ Judgement passed by the Delhi High Court in the year 2007

Conclusion

From the above facts in relation to child maltreatment and abuse it is crystal clear that children are abused at an alarming rate in our country. Most of the children are abused not by the strangers but in fact their relatives. It is sad to see that they are not aware about the existence of rights and laws in their favour. They lack support, care and protection required from the family and thus are the most favoured targets of abuse by the perpetrators. There is a need to spread awareness amongst the younger generation with regard to pros and cons of social media, good and bad touch, alertness with regard to abuse. The children must be taught not trust any person only for the sole reason that they make them feel comfortable and fulfil all their wishes.

Suggestions

The author is of the opinion that every sector of the society has a pivotal role to play in protecting the best interests of the future generation of our country.

a) Suggestions to the Children

- a) The child should not trust any outsider.
- b) The child must make use of the social media strictly under parental guidance
- c) The child must not develop a close relationship with any person outside the family
- d) The child must be able to differentiate between good touch and bad touch
- e) The child must understand that the advice given by the family members is for its own betterment.
- f) The child must inform the day-to-day happenings in its life to the family members
- g) The child must take the guidance of its family members when taking any life changing decision
- h) The child must realise that there is no other safe place to be than its own home.

b) Suggestions to the Parents/close family

- a) The parents must keep a strict vigil over their child
- b) It is extremely important that they devote time to their children
- c) Any activity of the child which is in an online mode must be closely monitored by the Parents
- d) The behaviour of the parents must be such that the child does not feel the need to keep any secrecy with regard to its acts.
- e) The parents must be aware about the whereabouts of the child during the day
- f) The Parents must be well acquainted with the peers and the company the child is in in the course of the day.
- g) The Parents must observe the slightest change in behaviour of the child
- h) The parents must also monitor the behaviour of the child at school with the help of the teachers

c) Suggestions to the School Authorities

- a) School authorities must be ready to take the responsibility of the child when the child is in school premises
- b) Any alteration in behaviour of the child must be immediately reported by the authorities to the counsellor as well as the parents
- c) The School authorities, in case aware about any incident of maltreatment, which has happened with regard to the child must report it immediately to the police authorities without being bothered about the reputation of the school
- d) The School Authorities must not treat the child in such a manner that the child feels neglected
- e) The School Authorities must not permit the children, when at school, to interact with any of the outsider who is not known to the School Authorities
- f) The School Authorities must act as parents with regard to the children till the time the children move out of the school premises

d) Suggestions to the counsellors

- a) The counsellors must communicate to the children who approach them in a very polite manner
- b) They must make the best attempt to get the facts known from the child itself
- c) In case the counsellor is of the opinion that the incident has to be reported to the Police, it must be done as soon as possible
- d) The counsellor must make the child believe that the reporting of the incident will not have any ill repercussions
- e) The opinion of the family must be taken by the counsellor and in case they are not ready to report, the counsellor must try and convince them to do so
- f) The counsellor must not reveal the identity of the child and the school to the media

e) Suggestions to the Police

- a) The Police must handle the cases relating to children in a very delicate manner
- b) The Children must not be treated in the similar manner as adult victims
- c) A lady Police officer must possibly be appointed as the Investigating Officer
- d) The Statement of the child must be recorded at a place where the child is extremely comfortable
- e) The Child must not feel awkward while answering the questions
- f) The Police must file the chargesheet as soon as possible when the victim is a child
- g) The Police must give regular breaks to the child during the recording of the statement
- h) The Police officials must patrol the areas which are child prone on regular basis.
- i) Any suspicious movement must be immediately trapped in order to avoid any further mishap
- j) The Police must spread awareness with respect to Child Friendly Procedures in every educational institution.

f) Suggestions to the NGO

- a) It is the duty of the Non-Governmental Organisations to maintain as much secrecy as possible with regard to any particular victim
- b) Any NGO handling a case of a child victim should not make the use of such cases for their own publicity
- c) Any decision must be taken by the NGO keeping the future of the child in mind.
- d) No NGO must function for any kind of financial gains
- e) The functioning of the NGO must be such that the child feels safe and secure with its support

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