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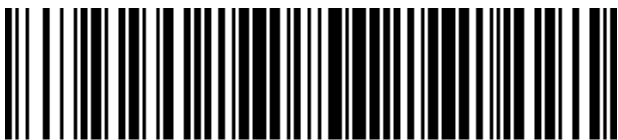
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Abuse and Neglect: India's Adolescents

Avadhi Jain

ABSTRACT:

“Childhood should be carefree, playing in the sun; not living a nightmare in the darkness of the soul.”— **Dave Pelzer.**

Child Abuse is a very broad concept with a lot happening to children just for the sake of money or for pure entertainment. It's a term that leads to a lot of variation of questions as who does it? Why is it happening? How can this be stopped? Is it required? Who to blame? Whom to question? And a lot more of these questions keep coming in my mind as well as all of yours. In a developing country like India where the majority of the population is the youth which tomorrow will be the new successors of the country and the world what are they learning from their parents? Is this the right platform to build the morals as well?

INTRODUCTION

Abuse: pain, outrage, hate, retribution, and other such violent means used repeatedly and on a regular basis. These terms itself are so heavy for even an adult person to go through but some people out there are using such harsh means of small, innocent children. The term Child Abuse can be defined as any act, failure, or negligence on the part of any individual; adult or child, that leads to a severe threat to the life and development of a child and results in prolonged physical and psycho-social impacts on his/her health and wellbeing.¹ The fact that a child who is abused in his/her early age cannot ever come out of it completely is more devastating. A lot of children who are abused believe that once they grow old they will be able to step out of it, they will be able to cope up with it. But the harsh reality is different from the thoughts of those innocent children. It is said that the personality that is once framed in that environment of child abuse is coercive control and even when the person grows he/she may not be able to come out of that personality ever. The survivors of the abuse are left with a lot of caution and problems in the daily routine of his/her life. The issues can be related to trust, autonomy, and even with the fact of taking any initiative. The majority of their lives revolve around the burden they carry related to the memories, identity, and their hold over stable relationships.

In India there have been a lot of cases where there have been families found doing child abuse to their own kids or kids of their near and dear ones. Almost 53 percent of children in India go through sexual child abuse, even after so many laws for curbing child Abuse. With the growing change in the environment of the society and also the change in the mindset of the people the child abuse has changed. The mere fact that a child is abused is the beginning of his human rights being violated and then after the child being violated at all different levels in different forms.

LEGISLATIONS AND POLICIES BY THE GOVERNMENT

In India, one of the Directive Principle of State Policy states “that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”² Except for this even when we read and understand the fundamental rights provided to the citizens of India specifically Article 15 of the Constitution of India there it is stated that none of these rights restrict the government to make any other laws for the betterment of the women and children. There have been various efforts taken by the Indian government over time

¹ <http://www.indiathink.org/Child-Abuse-in-India-An-Analysis-by-Amisha-u-Pathak.pdf>

² Constitution of India art. 39(f).

and again. To take note of one such initial step would be our constitutional Assembly while forming the government agreed to take note of these incidents from the very beginning. The fact that there is not only physical, mental/emotional, and or sexual abuse but also the fact that being neglected is also an abuse. The term neglect means “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.” This is the reason in 1992 the government of India was one of the countries to ratify the UN charter on conventions to rights of a child on the 12th day of November. Then in 2013, the government of India brought a new legal policy replacing the already existing policy of 1974 where the main motto of the policy was that of “safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities.”³ In January 2017, the Ministry for women and Children Development introduced NPAC(National Plan of Action for Children). The main feature and prominent part of this plan is to protect all children from any form of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking.”⁴ These are some of the plans that have been taken into consideration from the side of the government for the protection of children from child abuse.

The government has also made some strict laws in form of Acts to safeguard the children such as

- a. Juvenile Justice (Care and Protection of Children) Act, 2015
- b. Commissions for Protection of Child Rights (CPCR) Act, 2005
- c. Protection of Children from Sexual Offences Act (POCSO), 2012

Even after such acts being implemented for almost more than 5 years the state of child abuse in India has not much changed as the data collection done by the National Crime Record Bureau at the central level states that the crimes against children even today are the same and have not changed a lot. A record no. of cases and crimes are still being registered on a daily basis. This all leads to the question which is always present in almost all minds of the youth of today that is who is responsible for it? the one abusing the child? the one who is keeping his/her eyes shut even after being able to see the child abuse? Or the parents of the child who have sent the child to those kinds of people and given them the liberty to treat their own children in such ways? Who is it to be blamed?

³ National Policy for Children, 2013, *supra* note 5

⁴ NPAC 2016, *supra* note 11, at 44.

ANALYSIS

According to a lot of studies and even the common law, it is stated the one who is doing the wrong is equally responsible with the one who is standing there and yet not doing anything. So two questions of many have been answered that the one doing the wrong and one standing there or knowing about it, yet not taking an action is also liable for punishment. But are those parents who sent their own children to work, to earn money for the living are not to be questioned? I agree a few children like child actors are doing that because they enjoy doing it and the sole reason behind that is not earning. This is not a complete abuse as children doing such jobs who are given complete respect and treated well are not to be questioned but those who aren't, those children who have no option but to work because their own parents are pushing them to work is child abuse. Acting is still a very large intake for an example of forceful child abuse, on a daily basis we all must have seen this when if the maid who comes to work at our homes is unwell she might send her children to do her even if those kids go to the school they won't be allowed to go on that particular day because they have to fill in for their parents, this amounts to abuse. Even when the child is treated badly by his/her own parents is also called abuse it need not be physical but at times the words spoken to the small children leave a deep impression on their minds making it difficult for them to cope up with the children of their age. For eg, if a child is told every-day that he/she is not good enough and such other phrases with demotivates, and makes the children question their own worth is a form of emotional child abuse. This is not done by any outsider but the own parents of the child do it. When at times a teacher or parent or a guardian or anyone use physical force on a child with the intention to cause any kind of physical injury on the child is called physical child abuse. Mostly, when a child is being to notorious and anyone hits him or her beyond a reasonable limit it is called child abuse. When the child is hit with some objects (scale, belt, shoe, etc.) it becomes more grievous in nature for which the doer can be sent into prison for 5 years. It is said that up to 62% of kids in Mumbai are beaten by their parents for disciplinary reasons.⁵ Every hurtful and disturbing incident is abusing any child sexually it may be forceful intercourse, or any-other forceful sexual acts, sexually touching, the attempt of sex, and or any other force used for such purpose. The fact that in today's society in the most educated, literate, and powerful families also these kinds of assault do happen on children then the fact that the illiterate and not so well to do families children have to go through may not be so shocking to digest. The other part which all over the world our country India is very famous for is forceful child marriage which in reality is a form of child abuse. Where a child mostly a girl is denied her

⁵ <https://timesofindia.indiatimes.com/city/mumbai/Punishment-or-abuse-62-of-parents-in-Mumbai-beat-their-kids-to-discipline-them-study-says/articleshow/46161205.cms>

rights such right to education, right to freedom of speech and expression, and so on so forth are denied because she is married to some male person without her permission and then is forced to be with him irrespective of her opinion towards the whole situation. In-fact according to UNICEF every 7 minutes an adolescent loses his life due to some act of violence. And in India, the world's largest democracy, one of the fastest developing countries every day at least 109 children suffer from some kind of child abuse. The children of India that are below the age of 18 are almost 37 percent of the whole population.⁶ Out of which a lot of the kids are below the poverty line and cannot afford a meal and thus have to move out and in turn do child labor and or beg on the streets for their daily necessities. Child labor is a complete ban yet it happens openly in the country because the rules are not stringent enough. There should be a hold of such kinds of agencies and people who indulge in child labor with strict punishment and even the parents who send their children to work as laborers should be punished severely. The children working in coal mines and other such places can develop lungs and heart disease with time which is bad for their health and future. There are many such reasons as to which child abuse is no less than abuse of one's own life because the impact of this abuse leaves marks for the whole life. Thus it is all of us who are to be blamed for child abuse not only the abuser, or the one who neglects the abuse, or the parents but the society as a whole is to blame that even after so land we are yet not been able to eradicate such seed from the roots of our own country. It's time that the society pledges that not even let abuse happen and not even let the abuser off the hook.

SOLUTIONS

1. Increase the horizon of a victim of child abuse by helping him/her to write down their experience and increase their stories to reach out to others as it helps reduce abuse and build confidence for those who go through it to speak up.
2. There should be compulsory parent and children bonding activities facilitated by government institutes from time to time.
3. Education should be made compulsory for every child until the age of 16.
4. There should be well-trained psychiatrists and psychologists to help those who go through such trauma in life on an individual basis with the help and support of government institutions.

⁶ . Registrar General & Census Commissioner of India. Census of India New Delhi2011 [cited 2017]. Available from: <http://www.censusindia.gov.in>.

5. The economic conditions of the families should be improved as poverty is one of the reasons for child abuse.
6. The two-child policy should be implemented in the country especially for the poor who cannot afford to feed their children.
7. Student circles should be formed in all schools on a compulsory basis for spreading awareness of child abuse.
8. Police and other such administrative bodies should be formed that work majorly for the child abuse and they should be easily within the reach of the children.
9. Strict actions to be taken on anyone who forces the child to work as a laborer, or the one who accepts the child laborer.
10. Sexual abuse awareness should be taught in every school and every household. Children should be motivated to raise their voice against it.
11. Campaigns should be set up to make children and society aware of the laws and policies formed by the government and as to how can they be availed by the victims in the time of need.
12. The facility in every household and institution should be there that can help improve the mental and emotional conditions of a child.