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## **Legal Position of Children from Abuse in the Rural Areas of Northern India: An Analytical Study**

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### **ABSTRACT**

This Article examines the concept of Child Abuse in India with the main emphasis on the position of child abuse in Northern rural India. Child abuse is a child mistreatment or when the parent or caregiver of child fails to take care or act in a certain way to protect the child leading to any injury, death, emotional harm, physical harm or even mental torcher etc. In other words child abuse is an act leading to any kind of harm like physical, emotional, sexual or any kind of neglect to a child. Child abuse is a very serious problem which can lead a very harmful effects on the child which can hamper the growth of the Nation as child is a national asset and need to be protected.

The paper focuses on the abuse of child which is taking place in the regions of Northern rural India along with the types of child abuse and its statistics .It also covers the measures which is taken by the world and government of India for the protection of child from exploitation with the suggestions and measures to control child abuse in India.

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**Keywords:** Child, Child Abuse, Northern India, Rural, Exploitation, Protection.

### **1.1 Introduction**

A Child is heaven's first lieutenants, Children have all the rights including right to live a life and have a wellbeing along with a healthy life which is filled with nutrition and shelter to protection from any kind of exploitation , abuse, conflict, neglectand injustice from society. Let the children not to be denied of their rightto grow with all the love and affection.Because the coming future and stability regarding progress of a society depends upon the quality of its children and the quality of its children in turn depends upon the manner on which welfare is planned. A child should be taken care of as it is an important

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social unit as a whole instead of some isolated phase in his development and no one should forget the saying, "let children be children."<sup>3</sup>

A child biologically is a human being who is between the stages of birth and puberty or between the development period of infancy and puberty respectively. The legal definition of child generally refers to a minor or otherwise is known as a person of younger than the age of majority as prescribed by law.

The Article 1 of the Convention on the Rights of the Child, 1989 has defined child as any human being who is below the age of eighteen years unless under the law applicable to the child unless the majority is attained Therefore, International Law gives the status of child to the person who is below the age eighteen years.<sup>4</sup>

The future of a country depends on the welfare, development and well-being of its children as Child is the supreme asset of nation said in SheelaBarse case. Therefore it is a most important duty of the nation to protect and develop the national asset by each and every means to work for their well Being. But there are still some social evils and stigma which effect the child of the Nation. A child can suffer due to such social evils.. One of the social evil is child abuse which takes away the childhood from them. In order to prevent the essence of childhood various steps are taken by world at international level for child protection from any kind of abuse or exploitation. In India also many legislative measures are there but still in India there are certain areas which are more prone to such social evils like child marriages, female genocides, female feticides, abolition of education for girl child etc. due to which child is not at all safe and progressive. Let us be familiar or acquainted more about child abuse in India mainly point of reference towards Northern rural India along with various measures to control such evils by the government. Knowing about legislative measures as well as national policies which can assistance in controlling child ill-treatment in India.

## 1.2 Child Abuse

The term Child abuse is basically called child maltreatment. Can Sexual or psychological mistreatment or exploitation of child or in other words it can be considered as negligence of a child especially by a parent or a caregiver I, it can also be physical act by guardian or any other person as the case may be. It may also let in any act or defeat to act by a parent or a caregiver of the child which can consequence in actual or even slightest potential do harm to a Child. Child abuse can take place. In the organizations an abuse of child can occur in a child's home, schools or communities or any other place where the child interacts with.

## 1.3 Meaning and Definition

The terms child abuse and child maltreatment are often used interchangeably, although some researchers make a distinction between them, treating child maltreatment as an umbrella term to cover neglect, exploitation, and trafficking.<sup>5</sup>

The Definitions of child abuse varies course of time accordingly between social and cultural groups. The terms abuse and maltreatment are timely used as synonymous terms according to the situation and needs. Child maltreatment is used mainly as a term to wrap all the forms of child abuse and it can vary in respect of regional, social, cultural, aspects. Different people and different agencies has defined child abuse and mistreatment differently .There are many child connected by kinship concerns which are raised and protected by child protection agencies, legal and medical communities, public good health officials, researchers, practitioners, and child advocates.<sup>6</sup>

In general concern child abuse refers to any kind of act by parents, guardian or caregivers of the child that cause actual or threatened harm to a child

<sup>3</sup>Dr. S.K.Chaterjee, *Offences Against Children and Juvenile Offences* 1 (Central Law Publication Allahabad, 2<sup>nd</sup> edn.2016).

<sup>4</sup>Available at <https://lawtimesjournal.in/who-is-a-child-why-is-it-difficult-to-define-a-child/> (visited on 31/5/21).

<sup>5</sup>[https://en.wikipedia.org/wiki/child\\_abuse](https://en.wikipedia.org/wiki/child_abuse)

<sup>6</sup>[https://en.wikipedia.org/wiki/child\\_abuse](https://en.wikipedia.org/wiki/child_abuse)

leading to his or her exploitation and misuse in some areas and it also includes neglect.

The World Health Organization (WHO) defines child abuse and child maltreatment as "all forms of physical and emotional ill-treatment, sexual abuse, negligence or negligent treatment or commercial or other exploitation, resulting in actual or potentiality do harm to the child's healthy state of wellbeing, endurance, growth or self-esteem in the context of a relationship of obligation, trust or power."<sup>7</sup>

The organization defines Force against children includes all forms of violence against people under 18 years old whether committed by parents or other caregivers, peers, romantic partners or any strangers accordingly.<sup>8</sup>

#### 1.4 Types of Child Abuse

Child abuse can be divided into different form comprising of different conducts, effects and symptoms. The four main forms of Child Abuse can be recognized as-

##### 1.4.1 Physical Abuse

Physical abuse is kind of abuse which covers physical harming of the child by any act of torturing, slapping, hitting, kicking, beating and even pushing the child in child labour or any act which inflicts physical pain to the Child it can also include fabricating a symptom or deliberately inducing illness in a child.<sup>9</sup>Sometimes People tend to use physical abuse for inflicting fear in the mind of children in case of any act or omission such as corporal punishment by the teachers in the school in the name of teaching discipline to the child.

##### 1.4.2 Sexual Abuse

Sexual abuse can be understood by the term itself, Sexual abuse means sexual exploitation or misuse of the child by doing in-appropriate sexual behavior with the child such as like sexually assaulting the child, committing rape or sexual harassment, pornography, commercially using the child such as prostitution, child trafficking committed by any person with the child.It should be kept in mind that a sexual abuse is sexual abuse even though the child is not aware or does not understand what is happening to him or her and there is no force, violence, or even contact.<sup>10</sup>

##### 1.4.3 Emotional Abuse

Emotional abuse is another severe kind of child abuse which can lay sown even greater impact on the child development and childhood.Emotional abuse takes place when a child has to face continuous bad behavior or listen such things along with behave in such a manner that makes a child feel inferior lowering his or her self-esteem. Any act or conduct to the child conveying to the child that they are inadequate, burden, unloved, worthless, or only valued by the person for only selfish needslaying down emotional torcher to the child can lead to mental trauma. Such acts can have a long term profound impact on the child. E.g. - Bullying, teasing, silencing them, telling them they are no good, lowering don their self-esteem, torturing etc.

##### 1.4.4 Neglect

Child neglect means negligent behavior towards the children by a parent or caregiver. Or persistently fails to meet the basic needs and psychological needs of a child by a person who must have to take care of the child. Such negligent behavior may result in impairment of the child's health or development and his or her faith in living. This behavior is directly responsible for the abuse of the child Such as untreated mental illness, stress, lack of supported, nobody to take care of etc.

#### Child Abuse in India

Any kind of Act of violence is that evil of the society which takes place all over the world. It is a matter of shame and regret for the society that we are not able to provide our children a safe place to live and grow. The child all over the world face many problems of exploitation and abuse and can be seen both to the boys as well as girls. In India child abuse is at its peak and can be easily observed in day to day life such as child labour, child marriages, girl child neglect, killing of girl child, pornography, trafficking etc.

Nowadays due to the growing rate of child abuse in India, now India has turned into capital of child exploitation and abuse leading to severe consequences

<sup>7</sup> Id

<sup>8</sup> Id

<sup>9</sup> www.medicalnews.com

<sup>10</sup> *Ibid.*

to the lives of children.

There are so many laws in India that are created only for the protection of children and their rights but still such kind of act of abuse are taking place and the laws have become mere paper. The Constitution of India which is supreme law of the nation also contain provisions regarding child protection. Article 23<sup>11</sup> of the Constitution provides right against Exploitation of child, under Art 21A Right to education to the children as a fundamental right and many more.

It can be strictly and statistically analyzed that the child abuse rates are rate of are more in the rural region of India than the urban areas. As the child economically weaker in these rural areas having lower literacy rate as compared to urban areas. In these areas people are even not aware of their rights and remedies that can be used in case of any misconduct or breach of their rights therefore public awareness is must to attain protection from such laws. The Northern rural states as they more prone to child abuse of India child abuse is at its peaks.

### 1.5 Abuse of child in Northern Rural States of India

As we know that any kind of abuse or exploitation even neglect to the child can be responsible for inflicting harm to the child which can hamper the child growth and development even his or her dignity to survival. Child abuse is a severe problem which can be seen all over the world and in India also.

Bin India the problem of child abuse is among the highest in the world. The Northern states of India have more cases of child abuse as compare to the other states. In the rural areas of North India various forms of child abuse can be found which makes it a hub of child abuse. The North India comprises of total 8 states those are Jammu and Kashmir, Punjab, Himachal Pradesh, Uttarakhand, Haryana, Delhi, Rajasthan, Uttar Pradesh and UT Chandigarh.<sup>12</sup> These states have village areas and many village areas are in hilly regions where there is lack of services, knowledge about the societal aspects and law and order thereby the child abuse rate in these areas are high. Recent study by Ministry of Women and Children on the problem of child abuse in 2007 revealed that the children between the age group of 5 to 12 year are at a greater risk of abuse and exploitation.

Some of the abuses that can be found more in the rural Northern India are Child labour, Child Marriages, Sexual Exploitation, Human Trafficking, Female Infanticide, Girl child Neglect etc.

**Child Marriage** is a crime which can be seen in rural areas of North India. It is a marriage in which both the parties are children or either male or female is below the legal age of marriage as prescribed by the law. The legal age of Marriage for Female in India is 18 year old whereas for Males is 21 years. But in some rural areas people treat their girl child as burden and due to lack of money resources and other problems including illiteracy marry their daughter in a very young age where the child does not even realize what is the relationship of marriage is. Due to such a mentality they try to seek relief and abandon their own child who is incapable of handling the burden and responsibility of the marriage and push them in the ell of abuse and exploitation rather than giving them opportunity to learn , get education and become a good citizen in the country.

**Sexual Exploitation** is very common nowadays. Every place people try to sexually exploit other person doesn't matter whether it is a girl or a boy in terms of child. It is one of the which also takes place in rural areas such as areas of North India abuse due to underdeveloped. Mostly cases in such areas are due to the poor economic condition of the family of child the high class people mostly take easy advantage of the weaker section of the community by using money and power. Even the people are not aware of the laws and measures they can use against such conduct instead keep their mouth shut to protect themselves.

**Child labour** is the worst form of labour. As due to poor economic conditions and lack of opportunities and sources to earn the children due to helplessness and for fulfilling their basis needs work as labours in order to help their parents out. In some of the rural regions we can even observe the concept of Bhandua Majdoor in which the families are totally surrender themselves to the upper group of people or zamindars as Bhandua Majdoor to be labour even unpaid sometimes involving the child also which bound him to work for the whole life.

<sup>11</sup>Constitution of India, 1950.

<sup>12</sup>Available at [www.helplineinlaw.com](http://www.helplineinlaw.com)

The Most social evil of the society in these regions are **female infanticides** or Female Foeticide which is deliberately killing of girl child after the birth or even inside the womb of the mother. Which is day by day decreasing the child sex ration in India. People consider girl child as a burden and weak link of the society it is also believed that they cannot take their generation forward while the boys are treated as sole heir that is why such mal practices such as abortion of girl child takes place although this is illegal. These are a great cause of concerns as the practices are followed in certain regions of India now also. India has highest rate of female deaths 13.5 of 1000 female can be found .over the past few years the children born in region of Northern India were mainly boys which automatically creates suspicions of female infanticides and rampant female feticide The dropping of sex ratio in these regions of girl child can clearly statically proves child abuse Uttarakhand, Haryana etc. are some regions where sex ration is becoming unbalanced day by day.

**Girl child Neglect** in some of the families in such areas neglect the girl child the girl child are treated less than a boy child and mistreated in many ways. Equal opportunities are not provided to the girls of the family and are only considered as a burden. The right to education of girl child is no right for them as they believe that girl's role is to do household works. Such kind of bad treatment and mistreatment can lead to many problems not only for the child but also for the national status.<sup>13</sup>

### 1.6 Government Measures, Legislations and National policy for protection of child

India consist the largest population of child in the whole world and its constitution i.e. the Constitution of India guarantees the Fundamental Rights to all the children in the country of life, equal treatment, education and protection also empowering the State to make special provisions for children and their welfare. It also directs the state to act in such a way as to ensure childhood is to protected from the exploitation and moral and material abandonment I.e. achieved by directive principles of state policy. Constitution also lays down duty for the welfare of children equally

In the concern of these matters government have time to time legislated many laws for the protection of child. The laws like child Marriage act, Protection of Child from the Sexual offences Act, Child Labour Act, Juvenile Justice Act, and Right to Education Act etc. Even Provisions under IPC as punishment for offences like abortion, killing of girl child, are also present there in Interest of a child.

Time to time National policies are enforced by the Government of India. The Ministry or Women and children work in the Matters to protect the children from such kind of abuse and Neglect. The commissions for protection of children and the development are also present like NCPCR (National Commission for the protection Child Rights).

Apart from Constitution and other legislations for the welfare of the children the government of India time to time lays down several policies and plans to ensure the same.

National policy for Children, 1974, National Policy for Children, 2013, National policy on Education 1992, National policy on child Labour, 1987; National Nutrition Policy, 1993; National Health policy, 2002. are some of the National Policies.

Various schemes and programs are also there for the protection of children including Balika Samridhi Yojna, child lines services, ICDS, (INTEGRATED CHILD DEVELOPMENT SCHEME), National child Labour project, reproductive and child health programs, SarvaSikshyaAbhiyan, BetiPadatiBetiBachao, Nutritional camps, Nutritional schemes for mother and new born child, mid-day meal scheme, Kishori Sakti Yojna, Operation blackboard etc.

The government is working at the best for providing protection to child and equality of child gender in India. There are work and jobs assigned to the local levels also the gram panchayat or panchs of the villages shall also work for the protection and development of child at the ground local levels so that no place is left without the reach of any beneficial measures of the Government at International and National level both.

### Conclusion

As Analyzed above Child Abuse is a torment in the Indian society and most prone in the areas of Economically weaker region as Analyzed above in the sections of Northern India in rural places where the people are not that developed and literate.. However, there are many laws and policies for the

<sup>13</sup> Singh Navjot, "Negligence of Girl child in India." 1(2) JNEP 92(2015)

protection and development of the children of the society in India but no law or policies for the protection can be implemented in the country effectively without any major steps or dedication towards the goal to be achieved. It is the responsibility of the authorities and public altogether to look upon these matters and areas of improvement, coordinating among all investigating and implementing agencies is must. For attainment of the goal certain approach is required in this regard is required, all the departments of society must come together to work for the concerns as the onus lies with the state governments, police department, judicial system, and medical fraternity to implement the act with urgency and to approach these cases with urgency, empathy, and compassion along with the general public.<sup>14</sup>Speedy trials should be there in cases where commission of any crime takes place with child keeping in Mind delay will be defeated. At present there is so much increase in the number of cases of child abuse being reported and the main approach which can be taken forward is to create awareness. One can create awareness through various awareness programs along with NGOs, public, friends, family and Police department and other institutional agencies. To improve and abolish such conducts in society making a society safe place for our child to grow. The Northern part of India especially in the rural India should be provided with the great opportunities as they can have the life with all the necessary means. The parents of such children who are victim of exploitation should be provided the opportunities, work and teach them about all the relevant provisions and policies which they can use for the welfare of their child.

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<sup>14</sup>[www.helplineinlaw.com](http://www.helplineinlaw.com)