
A STUDY ON CHILD VICTIMIZATION IN INDIA

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Victim

"Victim" refers to a person who has experienced any loss or injury as a result of the conduct or omission for which the accused person has been charged, and "Victim" also refers to his or her guardian or legal heir. Section 2 of the CrPC (Amendment) Act, 2008 inserted a new clause (wa) to Section 2. (Act No. 5 of 2009)¹.

Victimization

There is a substantial amount of information that shows a link between offending and victimisation. One explanation for this is that some types of crime originate through mutual interactions between people, to the point where victims and perpetrators are nearly interchangeable: the most obvious example would be fights in and around pubs on a Saturday night. Even if crimes do not emerge directly from interpersonal contacts, people frequently commit crimes against others in their social circle because they are most available to them or because they are settling an old score².

Types of Victimization

Primary victimisation refers to the physical, economical, social, and psychological consequences of a crime on a victim.

Someone who has been indirectly affected by crime, or a primary victim who has been re-victimized as a result of their treatment in the criminal justice system, is referred to as a secondary victim.

Tertiary victimisation affects a larger number of people in a less direct way, such as witnesses or families of victims, or even bystanders to terrorist attacks. Despite the fact that they were not the intended victim or major target, they were nevertheless victims of the crime³.

Impact of child victimization

Child sexual abuse is on the rise at an alarming rate. The goal of this study is to describe the risk factors for sexual abuse in children as well as the consequences of such abuse. Between 2019 and 2021, an unobtrusive qualitative study was undertaken on children aged 10 to 18 who had undergone sexual abuse and were followed up at a mental facility. The data from the case

¹ Sec. 2 of criminal law amendment act,2008

² <https://www.indianbarassociation.org>

³ <https://www.nationaltasc.org>

files was transcribed. A thematic analysis was carried out. Thirty case files were examined. The victims were on average 14.6 years old, with 94 percent of them having had vaginal penetration and 23 percent of the cases involving incest. Family structure and dynamic dysfunction, low intrapersonal strength, social influence, and low family socioeconomic position were found to be socio-psychological predisposing variables for sexual victimisation. Emotional turmoil, severe consequences on cognitive, academic, and social function, unfavourable parental reactions to the experience, the formation of baby-mother bonds and love-hate relationships, and a lack of objectives and hope for the future can all result from sexual trauma. Children who have been sexually abused may exhibit rape or pregnancy symptoms, as well as symptoms that are wholly non-specific. To properly care for them, a detailed evaluation of their past, including biopsychosocial components, is required⁴.

Categories of child victimization

Child victimisation can then be divided into three categories: Child victimisation can then be divided into three categories:

1. traditional crimes against children, also known as criminal offences against children;
2. acts that violate child welfare statutes, including not only abuse and neglect, but also less commonly discussed areas like child labour exploitation, which are referred to as child maltreatment; and
3. other types of victimisation that occur among or against children, such as peer and sibling violence, vicarious trauma, and sexual assault.

Children are among society's most vulnerable members, relying on those closest to them for caring, direction, and safety. They also bear a significant weight of victimisation due to their status as children, such as neglect and emotional abuse. Numerous studies have shown that the high rate of victimisation at home, school, and in neighbourhoods emphasises the importance of their protection. The number of occurrences of child abuse in homes and schools is difficult to estimate because the vast majority of these crimes go undetected.

The Indian legal system addresses societal abuses caused by poverty in numerous ways, including starvation, lack of education, bad health, and neglect. Maltreatment of caregivers has the ability to hurt children emotionally and mentally to varying degrees⁵.

Child trafficking

Similarly, for many years, the terrible issue of child trafficking has been a huge worry. Children who have been trafficked are utilised for a variety of reasons, including devdasis in temples, commercial sexual exploitation, child labour, child brides, sex tourism, child pornography, begging, and so on. It's a form of organised crime. There are separate "catchment" sites from

⁴ <https://nhrc.nic.in>

⁵ <https://www.mdpi.com>

which six children are trafficked, as well as routes that are followed across South Asia's borders to capture children in this horrific trade. This is also true in India⁶.

Poverty

Poverty is unquestionably a key contributor to human trafficking. Poverty, on the other hand, is insufficient to explain this phenomena. The upshot of a complicated interplay of various push and pull variables is human trafficking. Dysfunctional families and communities, a lack of education, domestic violence and sexual abuse in the home, rising consumerism, urban-rural migration, homelessness, street life, gender discrimination, corruption, and slack law enforcement are just some of the issues that might arise. These aspects must be viewed in the perspective of each country's historical, sociocultural, and developmental history. Commercial child sex practises have thrived in several nations for decades, rooted in discriminatory cultural customs⁷.

Child labour

Child labour is a serious and widespread issue in India. Child labour is an international phenomenon. This problem has resulted in a slew of socioeconomic issues. It is undeniable that children are forced to work at a young age when they should be in school due to unforeseen situations. Poverty, unemployment, a large family, illiteracy, and parental ignorance are among these situations. Child labour is caused by a variety of factors, including bad labour legislation, insufficient inspection machinery, and a failure to strictly enforce the rule on compulsory education, among others. Child labour has recently become more prevalent in bonded labour, particularly among migratory labourers.

Child marriage

Another major issue is the issue of child marriage. The historical moorings and existing traditional religious rituals add to the intricacy. The popular conception of a woman's role is defined in terms of marriage, childbearing and upbringing, and all other domestic responsibilities. This is compounded by the widespread assumption that women are dependent beings who would eventually relocate from their father's home to their husband's. This explains why some parents are hesitant or unable to send their daughters to school. Instead, they teach the girl kid how to perform all household responsibilities, which will help her later she marries. Hypergamy, dowry, and the concept of virginity and chastity all contribute to the system of child marriage. Child marriage has clear negative consequences, such as overpopulation, poverty, unemployment, illness, parental dependency, and so on. Its consequences, on the other hand, are more severe for girls than for boys, as it leads to insufficient socialisation, education dropout, and physiological and psychological harm as a result of early and repeated pregnancies, as well as early widowhood. The vicious circle of high reproduction, high infant mortality, and maternal death is exacerbated by low age at marriage. This deprives the girl child of reproductive rights, even if child marriages provide a longer valid reproductive life span at the national level, contributing to population expansion.

⁶ <https://www.cry.org>

⁷ <https://indianexpress.com>

International conventions on children

The United Nations General Assembly passed the Convention on the Rights of the Child (CRC) in November 1989⁸. In December 1992, the Indian government approved the Convention. Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (2000); Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure The Indian government has ratified the previous two Optional Protocols. Despite having adopted the Optional Protocols on the Involvement of Children in Armed Conflict, numerous examples of children becoming unwittingly embroiled in armed conflict have occurred in India's north-eastern states and southern regions.

The Government of India had already ratified the United Nations General Assembly's 1949⁹ Convention for the Suppression of Human Trafficking and the Exploitation of Others' Prostitution. This agreement urges States Parties to prosecute human traffickers and safeguard all people from abuse. It also urges States Parties to make appropriate preparations for the temporary care and maintenance of trafficked victims, including the repatriation of trafficked persons. The Government of India passed the Immoral Traffic (Prevention) Act, 1956¹⁰ in response to this, but the law has failed to prevent human trafficking in India. Another Protocol that the Government of India accepted in 2011 is the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

Constitutional provisions and acts

Article 21A of the Indian Constitution¹¹ requires all Indian states to provide free and compulsory education to all children aged six to fourteen. Human trafficking, begging, and forced labour are all prohibited under Article 23 of the Indian Constitution¹². Article 24 forbids children from working in factories, mines, or any other hazardous occupation. To give effect to the above fundamental rights, many laws have been passed. Consider the Right to Education Act of 2009, which mandates free and compulsory education under Article 21A of the Indian Constitution. Another landmark is the 2012 Protection of Children from Sexual Offenses Act¹³.

A reference is also required by the Child Labour (Prohibition and Regulation) Act of 1995¹⁴. The Juvenile Justice (Care and Protection of Children) Act of 2000¹⁵ is another key piece of legislation.

⁸ Convention on the rights of child, 1989

⁹ United national general assembly, 1949

¹⁰ Immoral traffic prevention act, 1956

¹¹ Article 21 of the constitution of india

¹² Article 23 of the constitution of India

¹³ Pocso, act

¹⁴ Child Labour (Prohibition and Regulation) Act of 1995

¹⁵ The Juvenile Justice (Care and Protection of Children) Act of 2000

Conclusion

Any amount of laws, in my opinion, will not serve the goal until and until the law enforcement machinery, various functionaries, parents, the general public, and other stakeholders comprehend the rights of children. The importance of raising awareness about child rights laws among these individuals is urgent. Laws that are strictly enforced will also help achieve this goal. Child abuse is a societal issue that requires attention, action, and a reevaluation of current investigative and prosecutorial procedures.