



## Offences against Children: Criminal Justice and Social issues in India

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### Abstract

*Offence against children is concerned very seriously allover globally, Even United nation play vital role in order to make protection of children rights. But scenario of crime rate indicates there is need to rethink of present law quite often, which are suitable to protect children from the victimization. Since ages, children have been victimized by one abuse or the other. It is not wrong to say that they are a neglected lot. For children there has never been a golden age. Throughout the history of our society, Children have been bought sold, enslaved, exploited and killed. Sexual offences are very serious crimes not only physically but also mentally. Sometimes children are abandoned severely beaten and physically abused. In fact, the more we go in history we find that the lot of children's had been hushes, and crueller. Poverty and man situation have specially led to killing of children. Exploitation of children is another major problem. There is certain law to protect children, constitutional rights, and offences and its classifications consequences in criminal justice system are discussed. Regarding highlighted factors present paper attempts to focus on the law related issues, provisions, preventive factors analyses and rights of child victims are focused. For this study secondary sources were used.*

**Keywords:** Offences, victim, protection, children law.

### Introduction

Since ages, children have been victimized by one abuse or the other. It is not wrong to say that they are a neglected lot. Throughout the history of our society, Children have been bought sold, enslaved, exploited and killed. They have been abandoned severely beaten and physically abused. In fact, the more we go in history we find that the lot of children's had been hushes, and crueller. Poverty and man situation have specially led to killing of children<sup>1</sup>. Since recent crimes even as Delhi convulses over its unending tale of shame and horror, a National Crime Records Bureau (NCRB) report shows that crime against women and children is in fact a national plague, by no means limited to its capital alone. The victimization starts before the birth of a child itself.

For instance, foeticide, gender determination of foetus and causing miscarriage, it is determines as a female, then the practice of infanticide or the willful killing of new born babies was widely accepted among ancient and prehistoric people as a legitimate means of dealing with unwanted children the same has taken the shape of foeticide with the advent on latest scientific and technological instruments.

Sexual exploitation is another abuse, which children have faced over the centuries. Out of last adults would modest them to their appeasement. Poverty and illiteracy has played a great role in facing children to be exploited in order to earn their meal, a day. Children's have been used as slaves and bonded laborers in all societies<sup>2</sup>. In India, the children coming from the lower strata of society served the mighty and wealthy. They served, served and died. Although the times have changed and the miseries of

children have been reduced with the help of passage and implementation of certain laws yet their lot as a whole has not improved much. The National Crime Records Bureau of India, indicates rape cases against children in India have increased by 20 percent in 2012 over 2011. The year on increase registered in 2011 over 2010 was even higher at 29.68 percent<sup>3</sup>.

However the consequences of crimes against children increasing in the recent scenario, it is consider to be challenge to law enforcement , how to combat over such cases in order to make prevention. Law enforcement should plan the preventive measures.

**Impact of offences against children on society:** Children are so innocent in nature; this innocence can be misused by others. Especially, when offences take place it will be shameful, and society hates it. There is threat in the mind set of society members, which impacts on parents psychologically as well as social conditions. Because in country like India, normative structure like socialization where parental conditions play vital role. People will suffer by the crimes it will also destroy the social conditions in label ling perspective. Government as implemented various policies and laws in order to protect children by assuring them some rights, even united nation declaration on children rights becomes questionable if increasing rate of crime exceeds further.

Major forms of offenses against children in India: i. Sexual offences: protection of children from sexual offences act, 2012 deals with sexual offences against children in India, earlier it was dealt with rape section 375 of Indian penal code. There

were 8541 cases registered 2012, as per the national crimes records bureau of India statistics<sup>4</sup>. ii. Rapes, sexual assaults, sexual harassments, are common major issues, in the recent development. Ministry of law and justice, India, passed “The protection of children from sexual offences acts” in order to protect children’s from sexual offences. Also “The national policy for children-2013” as been made to deal with immoral trafficking of children and their welfare<sup>5</sup>. iii. Child trafficking: it is also a major problem in India that, selling of girls and buying of girls, procuration of minor girls, kidnapping are the major crimes classified. Selling of girls reported 108 cases during the year of 2012, whereas buying of girls are 8 cases<sup>6</sup>. And procuration of minor girls is 809 cases reported. Immoral traffic prevention act 1986 deals with the problems as a special law in India. Indian penal code section 372 also deals with selling girls<sup>7</sup>. iv. Child marriage: child marriage is also social problem in India, law enforcement enacted prohibition of child marriage act -2006<sup>8</sup>. v. Child labor : there are two effective laws were passed in order to prevent child labor, bonded labor system (abolishment) act 1976, and child labor act 2006. And also child labor (prevention and regulation act) 1986<sup>9</sup>. vi. Murder : Indian penal code<sup>10</sup> section 302.in 2012 , the rate of murder of children were 1597 reported as per the national crimes record bureau , India. vii. Foeticide, which means foetus are punishable under section 315 and 316. In 2012, the total foeticide cases were 210 registered. These are punishable under the section of 315 and 316 of Indian penal code. viii. Kidnapping is another major crime, kidnapping and exporting of children may penalized under section 360 of Indian penal code .Kidnapping and demanding ransom is punishable under 364A of India penal code<sup>11</sup>.

These are all the major social concern area that affecting the society, and social dignity of children, also they are the major social problems which society members, law enforcement agencies are rethinking to prevent . Nowadays there is question how to take care of our children, and there is need of re-thinking in order to make policies, laws, and to create some deterrence among society members and to punish the culprits. In many of the cases offenders are well known to victims. Police department and other law enforcements agencies are having huge burden on their shoulders in order to prevent. Criminal justice system provide lot of support to the victims, they can have fast proceedings of trail, special trail, in order to protect the children dignity and their future. Indian society fully feels shame on the national development in the field of crime and its vulnerability. There should be community interference in order to fight against offences against children<sup>12</sup>.

**Methodology**

Objectives are: i. To know the nature and extent of violence against Children. ii. Analyze the impact of offences against children on society. iii. To know the statistical distribution of crimes against children. iv. To creating awareness and the social responsibility among society members.

**Method of data collection:** The purpose of the study is to assess the nature of offences against children. Paper adopts both descriptive and exploratory design. Paper will also consist and covers recent and relevant references to the topic of the study.

The study will explain the objectives and utility of the proposed study. The data gathered mainly through the secondary sources, also collected through many reviewed journals, articles, newspaper and through relevant sources.

**Table-1**  
**Crimes against children in India**

Nature of crime	2010	2011	2012	% Variation in 2012 over 2011
Murder	1,408	1,451	1,597	10.1
Infanticide	100	63	81	28.6
Rape	5,484	7112	8,541	20.1
Kidnapping and abduction	10,670	15284	18266	19.5
Foeticide	111	132	210	59.1
Abetment of suicide	56	61	144	136.1
Exposure and abandonment	725	700	821	17.3
Procuration of minor girls	679	862	809	-6.1
Buying of girls for prostitution	78	27	15	-44.4
Selling of girls for prostitution	130	113	108	-4.4
Other crimes	7,253	7293	7580	3.9
Total	26,694	33,098	38,172	15.3

**Results and Discussion**

Crimes against children are very serious in the society which is considered to be shameful. rape cases against children in India have increased by 20 percent in 2012 over 2011. The year on increase registered in 2011 over 2010 was even higher at 29.68 percent. crime against children impacts on society, also show children are no safe. Children are more victimized like sexual offences, prostitution, hard laboring, physical abuse, etc, are serious<sup>12</sup>. Prevention of crimes is considered to be hard task, still Indian government started many statewide helpline, and children help lines. Also important factor is, parents should always cautious about children should keep on observing children. Regarding recent developments of crimes against children is little worried; hence the law is more strengthen to control the further consequences.

This will be shameful figures that totally 38,172 cases are registered during 2012, in comparison of previous year it as

increased of 15.3%. Uttar Pradesh, Madhya Pradesh, Delhi, Maharashtra and Bihar states of India have recorded highest crime rate on offences against children at national level as per the crime in India report 2012 reported. Other than this still so many cases in India go with unreported, due to many reasons specially in rural comparing to urban areas that will remain as dark figure of crime in criminal justice system as well as crime statistics are concern.

## Conclusion

Rapidly Increasing rate of crimes indicates children are no safe in the Indian cities, yearly based analysis indicates the problem of the offences is very painful. country like India even though the law and social condition are very rigid , other side there is need of thinking about the consequences of offences .children are victimizing due to many factors which affect child mentally and physically. Psychological trauma may remain and it will impact on children's future. This kind of developments will surely harm society. But the rigid law and criminal justice, as well as law enforcement agencies are taking over all the challenges and to prevent offences. Even morality of the society and the human values should be considered, there is social responsibility of all the society members in order to fight against it<sup>15</sup>. Social and community can play major role in the prevention of offences against children.

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