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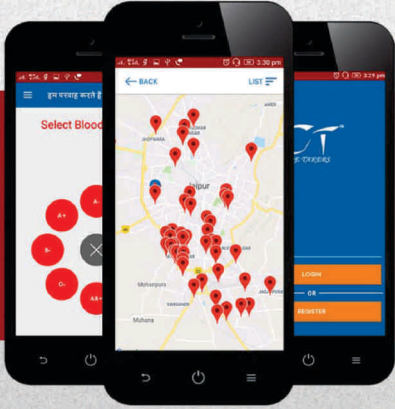
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Child abuse & Its Prevention





डाउनलोड करें केयर टेकर का अपडेट वर्जन
और आपातकालीन परिस्थितियों में
जरूरतमंद के लिए रक्तदान करें
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About Care Takers

When you begin to care for someone, same time, somebody starts to care for you, somewhere or else. The Care Taker Sir Umed Memorial Trust was established with the unbounded, unlimited blessings of Almighty, in the memory of Late Shri Umed Singh Ji on 8th November 2012 to eradicate a wide variety of discrimination against children and women in the society. We are engaged in working together with pious efforts. We started Care Takers initially with a small group of four people and at this time thousands of people are working with us hand in hand.

- Care Takers

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This booklet has been published in good faith that it will help to enhance the awareness regarding child abuse and its prevention. Every effort is made to ensure accuracy of material, but the publisher, printer and author will not be held responsible for any error. In case of any dispute, all legal matters to be settled under Bharatpur, Rajasthan Jurisdiction only.

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I raise my heart in gratitude to my father Late Shri Ummed Singh Ji who has been shepherded and guiding force behind all my efforts. His Omni presence has been my anchor through the hard times. My mother Mrs Urmila Devi Ji has all credit in the accomplishment of this booklet.

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I am deeply grateful to Board of Trustees and all members of Care Taker Team from various cities that are continuously facilitating their unending love, support, blessings, and co-operation, encouragement and prayers.

I extend my sincere thanks to who are directly or indirectly helping Care Takers in every manner, without your helping hands this will be very difficult to achieve our aims and objectives.

Thanks to all.

*Pawan kr. Choudhary
Managing Director
Care Taker Sir Ummed Memorial Trust*

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CHILD ABUSE & ITS PREVENTION

INTRODUCTION

Child Abuse was and continues to be, one of the most heinous crimes designed and perpetuated by human beings against some of the most vulnerable and defenceless sections of the community. In India, Child Abuse occurs in various spaces including the home, neighbourhood, schools, and temporary homes of shelter for abandoned and neglected children, railway platforms, jails and refugee camps. The problem is deep rooted and is one that the community is hesitant to accept and acknowledge.

Children are treasure of happiness nourishing family and society. Future of any nation completely depends on their youth. It is very essential to ensure the safe environment for upbringing of children that they will able to contribute maximum for nation. Child abuse is emerging challenge for our society and recent reports on child abuse show its severity. We need quick and effective changes to preserve the childhood spirit. Judiciary system of our country is very flexible and culprit can escape easily.

Child abuse in India, though widespread, is difficult to document because it is shrouded in secrecy. Fear of social stigma, unwillingness to implicate family members and other factors discourage families from exposing abuse. Police misbehaviour and a long judicial process are deterrents to seeking redress.

Child abuse is a broad phenomenon covers physical, sexual, emotional and negligence result in serious maladaptive behaviour in developing child. Child abuse is reported in female as well as male child but found common in female child. The Impact of abuse remains till the life end of life with victim and influences the family too. The Juvenile Justice Act 2000 defines a child as "a person who has not completed eighteenth year of age," and a person is deemed to have reached "majority" on completion of 18 years under the Indian Majority Act of 1875.

Child abuse is not isolated to particular social groups or areas. All

adults have a responsibility to protect children from harm. The information in this booklet is designed to help you make informed decisions to help ensure children are safe. The booklet provides information about child abuse and its impact on a child's life. This information is relevant for all adults who have contact with children.

CHILD ABUSE

According to World Health Organization (WHO)

"Child abuse and child maltreatment as "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."

According to the Centres for Disease Control and Prevention (CDC) in the United States

The term child maltreatment to refer to both acts of commission (abuse), which include "words or overt actions that cause harm, potential harm, or threat of harm to a child", and acts of omission (neglect), meaning "the failure to provide for a child's basic physical, emotional, or educational needs or to protect a child from harm or potential harm".

According to Pawan kr. Choudhary

"Child abuse may be defined as the act of distorting the child state of well being to extent that cannot be revived to pre-existing state and child suffers lifelong."

Child abuse is a state of emotional, physical, economic and sexual maltreatment meted to a person below the age of eighteen and is a globally prevalent phenomenon. Child abuse has wide variety of impact on physical and psychological consequences which adversely affect the health and overall well being of child. Children who survive abuse grow up more likely to negatively impact our society in several ways, which may be in form of violence, crime, drugs abuse and disease.

Why child abuse is occurring

1. Overall high crime rate including child abuse
2. Lack of social services and support system
3. Personal history of abuse as a child
4. Teenage parents
5. Young single parent
6. Severe stress
7. Sexually Unsatisfied man or woman
8. Domestic violence
9. Low self esteem
10. Mental illness
11. Financial crisis and economic recession
12. Multiple young children
13. Unwanted pregnancy
14. Alcohol and substance addiction
15. Handicap and physical disability
16. Unwanted child in family
17. Separation from mother in neonatal period
18. Inferiority complex and unattractiveness
19. High poverty rate
20. High unemployment rate

Child abuse is like an infection that transmits from one person to another one. Once a guy get infected with abuse he/she is likely to affect another in later stage. It is a cycle and who had experienced abuse in early life later on he/she want to complete it.

Types of child abuse

According to World Health Organization (WHO)

There are four types of child abuse or maltreatment

1. Physical abuse

2. Sexual abuse

3. Emotional &
Psychological abuse

4. Neglect

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PHYSICAL ABUSE

According to WHO

"Physical abuse of a child is that which results in actual or potential physical harm from an interaction or lack of an interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be a single or repeated incident."

Physical abuse occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse include shitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Physical abuse does not always leave visible marks or injuries. It is not how bad the mark or injury is, but rather the act itself that causes injury or trauma to the child.



Physical abuse may result in physical and mental difficulties in the future, including re-victimization, personality disorders, post-traumatic stress disorder, dissociative disorders, depression, anxiety, suicidal ideation, eating disorders, substance abuse, and aggression. Physical abuse in childhood has also been linked to homelessness in adulthood.

SEXUAL ABUSE

According to WHO

"Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.

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This may include but is not limited to:

- *The inducement or coercion of a child to engage in any unlawful sexual activity.*
- *The exploitative use of a child in prostitution or other unlawful sexual practices.*
- *The exploitative use of children in pornographic performances and materials.*

Sexual abuse occurs when an adult, stronger child or adolescent uses their power or authority to involve a child in sexual activity. Sexual abuse can be physical, verbal or emotional and can include:

- *Kissing or holding a child in a sexual manner*
- *Exposing a sexual body part to a child*
- *Having sexual relations with a child under 16 years of age*
- *Talking in a sexually explicit way that is not age or developmentally appropriate*
- *Making obscene phone calls or remarks to a child*
- *Sending obscene mobile text messages or emails to a child*
- *Fondling a child in a sexual manner*
- *Persistently intruding on a child's privacy*
- *Penetrating the child's vagina or anus by penis, finger or any other object.*
- *Oral sex*
- *Rape*
- *Incest*
- *Showing pornographic films, magazines or photographs to a child*
- *Having a child pose or perform in a sexual manner*
- *Forcing a child to watch a sexual act*
- *Child prostitution*

Guilt, self-blame, flashbacks, nightmares, insomnia, fear of things associated with the abuse (including objects, smells, places, doctor's visits, etc.), self-esteem difficulties, sexual dysfunction, chronic pain, addiction, self-injury, suicidal ideation, somatic complaints, depression, post-traumatic stress disorder (PTSD), anxiety, other mental illnesses including borderline personality disorder (BPD) and dissociative identity disorder, propensity to re-victimization in

adulthood, bulimia nervosa, and physical injury to the child, among other problems. Children who are the victims are also at an increased risk of sexually transmitted infections (STD) due to their immature immune systems and a high potential for mucosal tears during forced sexual contact. Sexual victimization at a young age has been correlated with several risk factors for contracting HIV including decreased knowledge of sexual topics, increased prevalence of HIV, engagement in risky sexual practices, condom avoidance, lower knowledge of safe sex practices, frequent changing of sexual partners, and more years of sexual activity.

PSYCHOLOGICAL ABUSE

According to WHO

"Emotional abuse includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potentials and in the context of the society in which the child dwells. There may also be acts towards the child that cause or have a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts include restriction of movement, patterns of belittling, denigrating, scapegoating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment."

Emotional abuse occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened."Childhood psychological abuse is as harmful as sexual or physical abuse." It can include emotional disturbance due to constant:

- *Rejection*
- *Hostility*
- *Teasing/bullying*
- *Yelling*
- *Criticism*
- *Exposure of a child to domestic and family violence*

Psychological and social defects in the growth of a child may result of behaviour such as loud yelling, coarse and rude attitude, poor attention, harsh criticism, and disintegration of the child's personality. Sometimes it include name-calling, ridicule, degradation, destruction of personal belongings, torture or killing of a pet, excessive criticism, inappropriate or excessive demands, withholding communication, and routine labelling or humiliation.

Domestic and family violence is strongly associated with child abuse and neglect. There is an increased risk for a child living in a household experiencing domestic violence that their basic childhood needs will not be met, including the need for care and protection by their parents. Witnessing violence between parents can have a serious impact on the emotional wellbeing and development of a child. It can impact on their self-image, their response to other people and their ability to form healthy relationships as adults. Witnessing domestic violence denies a child a sense of security and safety, teaches them that violence is a solution to problems and may lead to them developing symptoms of posttraumatic stress disorder. Relationship of parents and children is very important in the prevention of child abuse.

NEGLECT

According to WHO

"Neglect is the failure to provide for the development of the child in all spheres: health, education, emotional development, nutrition, shelter, and safe living conditions, in the context of resources reasonably available to the family or caretakers and causes or has a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible."

Everyone need love and care and when it does not meet to desired normal level comes in negligence. It is the failure of a parent or concern person with responsibility for the child, to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety or well-being may be threatened with harm.

Neglect is also a lack of attention from the people surrounding a child, and the non-provision of the relevant and adequate necessities for the child's survival, which would be a lacking in attention, love, and nurture.

Child's basic necessities of life are not met and their health and development are affected by negligence. Basis needs of children are different from adults and need more attention for their better growth and development. Few of them are as under -

- Food
- Clothing
- Housing
- Health care
- Personal hygiene

EFFECT OF ABUSE IN CHILDREN

Every child is unique by personality and reaction to abuse varies from child to child. The impact of abuse may be for short term and long term or both. Sign and symptoms can be observed by parents or care taker. Children may experience a range of emotional, psychological and physical impacts as a result of being harmed, including:

1. Permanent physical injuries or death
2. Low self-esteem
3. Increased fear, guilt and self-blame
4. Distrust of adults
5. Depression
6. Suicidal thoughts and self-harming
7. Anxiety disorders
8. Attachment disorders
9. Post-traumatic stress disorder
10. Learning disorders, including poor language and cognitive development



11. Aggressive behavior and other behavioral problems
12. Developmental delay, eating disorders and physical ailments
13. Delinquency and criminal behavior, including violence towards others
14. Drug and alcohol abuse and high-risk sexual behavior
15. Difficulty in making relationships with other adults
16. behavior that leads to them being singled out, bullied and victimized

INDICATORS OF CHILD ABUSE

Children who have been, or may be, experiencing abuse may show behavioral, emotional or physical signs of harm. Some children show no indications of harm, while others may show many. A child's behavior is likely to be affected if they have experienced harm however it is important to find out specifically what may be causing any negative behavior.

General indicators of child abuse can include:

- Showing wariness and distrust of adults
- Rocking, sucking or biting excessively
- Bed-wetting or soiling
- Demanding or aggressive behavior
- Sleeping difficulties, often being tired and falling asleep
- Low self-esteem
- Difficulty relating to adults and peers
- Abusing alcohol or drugs
- Being seemingly accident prone
- Feeling suicidal or attempting suicide
- Having difficulty concentrating
- Being withdrawn or overly obedient
- Being reluctant to go home
- Creating stories, poems or artwork about abuse

Indicators of physical abuse include:

- Broken bones or unexplained bruising, burns or welts in different stages of healing
- A child being unable to explain an injury, or explanations that are inconsistent, vague or unbelievable
- Unusual or unexplained internal injuries
- Having a family history of violence
- A marked delay between injury and seeking medical assistance
- Parents showing little concern about the wellbeing of their child or the treatment and care of an injury
- Repeated visits to health services with injuries, poisoning or minor complaints (this could also be an indicator of fabricated or induced illness)
- A child being unusually frightened of a parent or carer
- Arms and legs covered by inappropriate clothing in warm weather (to hide bruises, cuts or marks)
- A child avoiding physical contact
- Becoming scared when other children cry or shout
- Being excessively friendly to strangers
- Being passive and compliant

Indicators of sexual abuse include:

- Displaying greater sexual knowledge than normally expected for the child's age or developmental level
- Hints about sexual activity through actions or comments that are inappropriate to the child's age or developmental level
- Inappropriate sexual play and behavior with themselves, other children or dolls and toys
- Excessive masturbation or masturbation in public
- Persistent bed-wetting, urinating or soiling in clothes
- Regressive behavior, such as baby talk and thumb sucking
- Persistent sexual themes in their drawings or play time
- Fear or avoidance of any aspect of sexuality
- Sexually suggestive behavior with adults or older children
- Poor social boundaries
- Starting fires or a fascination with fire
- Destroying property

- Hurting or mutilating animals
- Promiscuity or prostitution
- Refusing to undress for activities or often wearing layers of clothing
- Bruising, bleeding, swelling, tears or cuts on genitals or anus
- Unusual vaginal odour or discharge
- Torn, stained or bloody clothing, especially underwear
- Pain or itching in the genital area, difficulty going to the toilet, walking or sitting
- A sexually transmitted disease, especially in a preadolescent child
- Pregnancy
- A child implies that they are required to keep secret

Indicators of emotional abuse include:

- Extremes in behavior from overly aggressive to overly passive
- Delayed physical, emotional or intellectual development
- Compulsive lying or stealing
- High levels of anxiety
- Lack of trust in people
- Feelings of worthlessness about life and themselves
- Eating hungrily or hardly at all
- Uncharacteristic attention-seeking
- Self-harming
- A parent or carer constantly criticizing, threatening, belittling, insulting or rejecting the child

Indicators of neglect include:

- Malnutrition, begging, stealing or hoarding food
- Poor hygiene, matted hair, dirty skin or body odour
- Unattended physical or medical problems
- Comments from a child that no one is home to provide care
- Being constantly tired
- Frequent lateness or absence from school
- Inappropriate clothing, especially inadequate clothing in winter
- Frequent illness, infections or sores
- Being left unsupervised for long periods
- Alcohol or drug abuse being present in the household

WHAT WE SHOULD DO IN CASE OF ABUSE

If you suspect a child has been, or is being, abused:

Child abuse is a serious crime in the eyes of constitution and in any manner or by anyone, is not at all acceptable. If we find or suspect any child abuse or being abused, we must look into as under

- Be alert to any warning signs or indicators that a child is experiencing or is at risk of abuse
- Observe the child and pay attention to changes in their behaviour, ideas, feelings and the words they use
- Have gentle, non-judgemental discussions with the child - expressing your concern that a child looks sad or unwell can result in disclosures
- Do not pressure a child to respond and do not ask questions that put words into a child's mouth
- Assure the child that they can come and talk to you when they need to, and listen to them when they do
- Remember that child abuse does not go away and usually becomes more serious over time
- Seek expert advice by contacting the counselling and governmental officer
- Act promptly if the report is confirm, remember that not acting on a suspicion or disclosure may result in further harm to the child

If a child tells you they are being abused:

- Have patience and remain calm
- Do not express shock, panic or disbelief - the child is counting on you to provide calm reassurance that they are being listened to and heard
- Privacy and safe place to talk is very essential
- Thank the child for coming to talk to you about it and recognise their bravery for talking about something that may be difficult or embarrassing
- Be supportive, tell them that you believe what they are saying and



thank them for helping you to understand

- *Be a listener not an investigator - encourage children to talk in their own words and ask just enough questions to act protectively, for example, "can you tell me more about that?"*
- *Do not conduct any form of interview with the child*
- *Stress that what has happened is not their fault, for example, "you are not in trouble" and "if I look or sound upset it is because I want you to feel safe"*
- *Be aware of your tone of voice and help the child make sense of what you are feeling, for example, "I am feeling concerned for you," or "what we can do right now is talk about ways to help you feel safe"*
- *Act proactively, for example, "I know some people do wrong things and it is up to grown-ups to protect children," or "every child has a right to be safe, there are laws to help protect children"*
- *Reassure the child that they have done the right thing by telling you, and that they are not in trouble*
- *Do not make promises you cannot keep, such as promising you will not tell anyone - you need to tell someone in order to get help for the child*
- *As a concerned community member you can contact the Department of Communities, Child Safety and Disability Services and ask how best to respond to the situation*
- *Do not contact the person responsible for the abuse, regardless of who that person is - leave this to the department or the police*
- *Keep information confidential - only those who absolutely need to know should be told at this point*

Take one step ahead to prevent child abuse

Child abuse is shrouded in secrecy and there is a conspiracy of silence around the entire subject. It is very difficult to keep mum after witnessing a child abuse. Raising voice against abuse protects the rights of the children and stop further abuse and complications. Negligence in such cases will lead to continuous and more abuse. It is our moral duty to provide a safe and healthy environment for growth and development of our children.



There are so many organization and agencies that are working on such case, report them and ask for help. Government agencies and non-governmental organizations have provided helpline number for child abuse cases to make out help.

BREAK THE SILENCE

- *Every child has the right to be protected by caring adults*
- *Abuse can affect a child for the rest of their life*
- *Think about how you may feel if you do not act to protect the child*
- *A child is never to blame for abuse*
- *If you suspect that a child has been abused it is better to report it, even if you are not sure, rather than do nothing*
- *Trust your gut feeling, rely on intuition and speak out if you think someone is abusing a child*
- *If the person responsible is a child or an adolescent, speaking up may enable them to get help to address their behavior*
- *If you do report abuse, the child will always remember that someone had the courage to stand up for them and do something to protect them*
- *If a child has been abused, it is important for the family to reach out for help and not isolate itself*

EXISTING CONSTITUTIONAL & LEGAL FRAMEWORK

- *Domestic Policies and Legislations Policies/Programmes*
- *National Policy on Education, 1986*
- *National Policy on Child Labour, 1987*
- *National Nutrition Policy, 1993*
- *Report of the Committee on Prostitution, Child Prostitutes and Children of Prostitutes and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998*
- *National Health Policy, 2002*
- *National Charter for Children, 2004*
- *National Plan of Action for Children, 2005*

- *The Integrated Child Protection Scheme, 2009*
- *National Policy for Children, 2013*

LEGISLATIONS

- *Indian Penal Code, 1860*
- *Guardian and Wards Act, 1890*
- *Hindu Adoption and Maintenance Act, 1956*
- *Probation of Offenders Act, 1958*
- *Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960*
- *Bonded Labour System (Abolition) Act, 1976*
- *Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1987*
- *Immoral Traffic Prevention Act, 1986*
- *Child Labour (Prohibition and Regulation) Act, 1986*
- *Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994*
- *Persons with Disabilities (Equal Protection of Rights and Full Participation) Act, 2000*
- *Juvenile Justice (Care and Protection of Children) Act, 2000*
- *The Information Technology Act, 2000*
- *Commissions for Protection of Child Rights Act, 2005*
- *Prohibition of Child Marriage Act 2006*
- *Protection of Children from Sexual Offences Act, 2012*
- *National Policy for Children, 2013*

CURRENT MEASURES TO PREVENT CHILD ABUSE

The Protection of Children from Sexual Offences Act & Rules, 2012 (POCSO)

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto. WHEREAS clause (3) of article 15 of the

Constitution, inter alia, empowers the State to make special provisions for children.

CHAPTER I PRELIMINARY

1. Short title, extent and commencement:

- (1) *This Act may be called the Protection of Children from Sexual Offences Act, 2012.*
- (2) *It extends to the whole of India, except the State of Jammu and Kashmir.*

2. Definitions:

- (d) *"Child" means any person below the age of eighteen years;*

CHAPTER II SEXUAL OFFENCES AGAINST CHILDREN

PENETRATIVE SEXUAL ASSAULT

A person is said to commit "penetrative sexual assault" if-

- (a) *he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or*
- (b) *he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or*
- (c) *he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person or*
- (d) *he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.*

AGGRAVATED PENETRATIVE SEXUAL ASSAULT

- (a) *Whoever, being a police officer, commits penetrative sexual assault on a child -*
 - (i) *within the limits of the police station or premises at which he is appointed; or*

- (ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or
- (iii) in the course of his duties or otherwise; or
- (iv) where he is known as, or identified as, a police officer; or
- (b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a
 - (i) within the limits of the area to which the person is deployed; or
 - (ii) in any areas under the command of the forces or armed forces; or
 - (iii) in the course of his duties or otherwise; or
 - (iv) where the said person is known or identified as a member of the security or armed forces; or
- (c) whoever being a public servant commits penetrative sexual assault on a child; or
- (d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or
- (e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or
- (f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or
- (g) whoever commits gang penetrative sexual assault on a child.
- (h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or
- (i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
- (j) whoever commits penetrative sexual assault on a child, which-
 - (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (b) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or
 - (ii) 14 of 1987

- (ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;
- (iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or Infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or
- (k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or
- (l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or
- (m) whoever commits penetrative sexual assault on a child below twelve years; or
- (n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or
- (o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or
- (p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or
- (q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or
- (r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or
- (s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or
- (t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated penetrative sexual assault.

Punishment for aggravated penetrative sexual assault:

Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

Sexual assault: *Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.*

Punishment for sexual assault: *Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.*

SEXUAL HARASSMENT AND PUNISHMENT THEREFOR ***Sexual harassment:***

A person is said to commit sexual harassment upon a child when such person with sexual intent, -

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or*
- (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or*
- (iii) shows any object to a child in any form or media for pornographic purposes; or*
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or*
- (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or*
- (vi) entices a child for pornographic purposes or gives gratification therefor.*

Punishment for sexual harassment:

Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

Use of child for pornographic purposes:

Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes-

- (a) representation of the sexual organs of a child;*
- (b) usage of a child engaged in real or simulated sexual acts (with or without penetration);*
- (c) the indecent or obscene representation of a child shall be guilty of the offence of using a child for pornographic purposes.*

Punishment for using child for pornographic purposes:

- (1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.*
- (2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.*
- (3) If the person using the child for pornographic purposes commits an*

offence referred to in section 5, by directly participating in pornographic acts, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.

- (4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.
- (5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

CHAPTER VI

PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

Recording of statement of a child:

- (1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.
- (2) The police officer while recording the statement of the child shall not be in uniform.
- (3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.
- (4) No child shall be detained in the police station in the night for any reason.
- (5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

Recording of statement of a child by Magistrate:

- (1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 herein referred to as the Code),

the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child: Provided that the provisions contained in the first proviso to sub-section

- (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case. 2 of 1974
- (2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

Additional provisions regarding statement to be recorded:

- (1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.
- (2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.
- (3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.
- (4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

Medical examination of a child:

- (1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973. 2 of 1973

- (2) *In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.*
- (3) *The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.*
- (4) *Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any woman nominated by the head of the medical institution.*

THE CRIMINAL LAW (AMENDMENT) ORDINANCE, 2018
Amendments to the Indian Penal Code

In section 376 of Indian Penal Code-

Whoever, commits the rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Section 376AB-

Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death.

The Juvenile Justice (Care & Protection of Children) Act 2000 and Delhi Rules 2009 - Specific preventive provisions

- ✓ *Segregation of children in residential facilities according to their age*
- ✓ *Provisions to create effective linkages between government, non-government organizations and community agencies. It also envisions using the NIPCCD for training and development*
- ✓ *Standards of care for the physical infrastructure in place*
- ✓ *Ensuring there is adequate, high quality mental health therapy and that the environment should be free of abuse*

- ✓ *Individualized attention to children by developing and monitoring an individual care plan for each child*
- ✓ *Establishing Management Committees and Children's Committees to document the concerns of children and report them. Children's Committees also encourage peer sharing and learning*
- ✓ *Prevention of abuse and ensuring the staff are aware of what constitutes abuse and how to respond effectively*
- ✓ *Inspection committees to ensure institutions are maintaining the mechanisms under the Act*
- ✓ *State and District Child Protection Units to ensure the effective implementation of the Act*
- ✓ *Duties, role and responsibilities of the staff including their training*

GOOD TOUCH AND BAD TOUCH

1. Good touch is touch that feels safe

Touch that makes us feel warm and makes us smile. It feels, pleasant and good, it is a way to show care, love and help. Explain with the help of examples like when mummy hugs you or papa gives you a goodnight kiss or your grandparents hold you in their arms and you hold your friend's hands while playing.

2. Bad touch hurts their body or feelings

A sexual abuse touch is something that makes the child feel scared, anxious or uncertain. It is a touch on any part of their body that would normally be covered if they wore underwear. Touches that make you uncomfortable and you feel unpleasant and you want to stop it there and then. Explain to them that this touch may feel "nice" or exciting, but that it may also feel strange. If they are asked not to tell anyone about this touch then that is sexual abuse touch. Make it clear that sexual abuse touch can also happen with their clothes on. Use some examples to explain them like, it is a bad touch if you feel hurt, if you do not want to be touched, if someone touches your private parts without a reason, if someone touches you and tells you not to tell anyone, all these are examples of a bad touch.

Safety Tips

- 1. Tell your child their address and phone number*
- 2. If you go somewhere, where you become separated from your child, have a 'meet place'*
- 3. Make sure they know how to dial the emergency services and what to say*
- 4. Make sure they also have the number of another trusted adult written down somewhere*
- 5. Buy them a travel card (if old enough) and a phone card for emergencies*
- 6. Teach your child the buddy system - i.e. walk in pairs or groups*

As a parent watch out for adults who:

- 1. Refuse children privacy or invade their privacy*
- 2. Insist on physical affection even when the child looks uncomfortable*
- 3. Insist on a 'special time' alone from other adults and children*
- 4. Spend a lot of time with children instead of adults*
- 5. Buy children expensive gifts for no apparent reason*
- 6. Appear to put a lot of effort into getting close to children*
- 7. Have had previous allegations against them before*
- 8. Make you feel uneasy...even if you can't put your finger on why*

