A SOCIO-LEGAL STUDY OF CRIMES AGAINST CHILDREN WITH SPECIAL REFERENCE TO THE STATE OF PUNJAB

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Children are the foundation of human society. The shape of future human society shall be determined by their mental and physical well-being. Just as the personality of an adult is built in his or her primitive years, the development of a nation is determined by the priority given to his child. The children are the supreme assets of the nation; hence in national policy child’s care should occupy the most prominent place. Specific care needs to be taken that children grow up to become agile citizens, physically fit, mentally sound and alert and socially and morally healthy. But unfortunately, in spite of there being a number of resolutions and laws both at national and global level, the condition of children is far from satisfactory. History is the witness that this innocent and helpless creature has been subject to variety of exploitation.1

CRIMINAL ISSUES RELATED WITH CHILDREN

There is no separate classification of crimes against children. Generally, the offences committed against children or the crimes in which children are the victims are considered as crimes against children. Such offences are construed as crimes against children. The Indian Penal Code and the various protective and preventive ‘Special and Local Laws’ specifically mention the offences wherein children are victims. The issues in which children are victimized and abused can be categorized as follows:

Child Soldiers

According to Human Rights Watch (HRW) thousands of children are serving as soldiers in armed conflicts around the world. These include boys and girls serving in government forces and in armed opposition groups. These child soldiers may fight on the front lines, participate in suicide missions and act as spies, messengers, or lookouts. Girls may be forced into sexual slavery. Many child soldiers are abducted or recruited by use of force while others join out of desperation in belief that armed groups would offer them best chance for survival. As an estimate thousands of children below the age of 18 are currently fighting in wars in at least 14 countries worldwide such as Afghanistan, Burma, Central African Republic, Chad, Colombia, Democratic Republic of Congo, Iraq, Somalia, Philippines, South Sudan, Sudan, Thailand, Yemen, including India where Maoist “Naxalite” rebels in the Chhattisgarh region use children as soldiers. They induct children as young as 6 into children’s associations and use children as young as 12 in the armed squads where they

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receive weapons training and participate in the armed encounters with government’s security forces.²

Children are more vulnerable to military recruitment due to their emotional and physical immaturity. They can be easily manipulated and drawn into violence because they are too young to resist or understand the nature and consequences of their acts. Further, technological advances in weaponry and the proliferation of small arms have contributed to the increased use of child soldiers because lightweight automatic weapons are simple to operate, easily accessible and can be used by children as easily as adults. Sometimes children join armed groups out of economic or social pressure, or because they believe that the group will offer food or security. Both girls and boys are used as child soldiers. In some conflicts, girls may be raped or given to military commanders as “wives.” In some countries, former child soldiers are getting assistance from the States to locate their families, getting back into school, receiving vocational training and are entering into civilian life. Sometimes children are forced to commit atrocities against their own family members or neighbours. Such practices stigmatized the children and it becomes impossible for them to return to his home or community.³

February 12 is considered as “Red Hand Day” because the treaty banning the use of child soldiers i.e. the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000 entered into force on February 12, 2002. Since then, many groups have organized local events on February 12 using the red hand to raise awareness about the child soldiers’ issue. In 2009, hundreds of youth and student groups from all over the world called for stronger action to end the use of child soldiers. They gathered over 2,50,000 “Red Hands” a symbol of the global campaign against the use of child soldiers and presented them to the U.N. Secretary General Ban Ki-Moon in New York on February 12, 2009. The Secretary General took pledge that the entire U.N. system would work to “stamp out” such abuse.⁴


Children in Armed Conflict, 2000; The Cape Town Principles and Best Practices, 2007 and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups or the Paris Principles, 2007 deals in detail about child soldiers. Researcher has discussed in detail about these international instruments in Chapter-2 of the thesis.

In India, recruitment into the armed forces is governed by the Air Force Act, 1950,\(^5\) the Army Act, 1950\(^6\) and the Navy Act, 1957,\(^7\) but these Acts nowhere talks about the minimum age of recruitment into the armed forces of the Union. The Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict was signed by the Government of India on 15\(^{th}\) November, 2004 and ratified on 30\(^{th}\) November, 2005 and is in effect since 30\(^{th}\) December, 2005. The Ministry of Women and Child Development, Government of India has submitted its first report to the Committee on the CRC regarding the status of implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. In its report the Government of India has stated that the minimum age for recruitment of prospective officers into the Armed Forces of India \textit{i.e.} Army, Air Force and Navy is 16½ years. However, after enrolment the recruits undergo training. They are sent to the operational areas only after attaining 18 years of age. The minimum age for recruitment to Central Paramilitary Forces (CPF) is 18 years. Both the Ministry of Home Affairs (MHA) and the Ministry of Defence have stated that no soldier below 18 years of age is deployed. Similarly, recruitment to the Armed Forces in India is purely voluntary and a person below 18 years of age cannot be inducted directly into the Armed Forces and hence, does not take direct part in hostilities. Recruitment of \textit{jawans} in the Army is carried out through open recruitment rallies and those in the age group of 18-42 years are eligible to apply.\(^8\)

Researcher is of the view that question of recruitment of children below the age of eighteen years in the armed forces of the Union does not arise and even if they are recruited below this age they do not take direct part in the hostilities. While recruitment of the children in the armed groups active in the North-Eastern States, Chhattisgarh, Andhra Pradesh, Jammu & Kashmir is doubtful.

\(^5\) Act No. 45 of 1950.  
\(^6\) Act No. 46 of 1950.  
\(^7\) Act No. 62 of 1957.  
**Child Pornography**

Internet has proved to be one of the greatest technological inventions of the 20th century. Unfortunately the same advances in computer and telecommunication technology that allow our children to reach out to new sources of knowledge and cultural experiences are also leaving them vulnerable to exploitation and harm by computer-sex offenders. While online computer exploration opens a world of possibilities for children, expanding their horizons and exposing them to different cultures and ways of life, they can be exposed to dangers as they hit the road exploring the information highway. The beauty of the Internet lies in the fact that it has completely ignored geographical boundary. A person by sitting at any nook and corner of the world can communicate with other person without disclosing his identity. The Internet and its unprecedented rapid growth, has raised many challenges not only for the governments but also for trade and commerce and individuals around the world.

Statistics reveal that ‘Paedophiles’ have easy access to children through the means of Internet. Child molesters are using the electronic superhighway to look for victims. The Internet is the paedophiles playground, because it affords them anonymity, and they can use newsgroups, chat rooms, and e-mail to exchange information about child pornography and interact with children. There are computer bulletin boards set up specifically for the seduction of children. They lure kids in with games and establish relationships with them online. Then they arrange to meet face-to-face. Chat rooms and instant/private messages are two main tools which paedophiles use to contact children on-line. Paedophiles use the Internet to share “trade secrets,” i.e. how to change identities, forge passports, and smuggle children. Paedophiles use the Internet for “virtual validation” of their activities within their circles of fellow paedophiles, so they feel accepted and consider their sexual interest in children normal. There are individuals who attempt to sexually exploit children through the use of online services and the Internet.

One of the most common forms of cyber crimes against children is “child cyber pornography.” Child cyber pornography has become the most controversial topic arising from the use of Internet in recent years. It is a form of commercial sexual exploitation of children by the use of Internet and is in great demand. Sexually explicit material exists on the Internet.

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11 Adults engaged in Sexual Crimes against Children.
Child pornography has developed into a multi-billion dollar industry, which can be run from within the exploiter’s home. Every photograph or videotape of child pornography is evidence of that child’s abuse. In child pornography, the service provider misrepresents his identity and dispatches a mail to a child user of computer for sending photographs for a carrier of fashion or modelling, with an offer incentive or money and sometimes they assure their victims that such pictures are for personal or confidential use. When they receive such pictures they interpolate the same through graphic programme and convert them to pornographic pictures such as putting their face of the victim on the nude body of the person or convert them into intimate postures and releases through Modem by users without the knowledge of the victim. The moral health of children has always been and would always remain a matter of great concern. The Courts in every jurisdiction are constantly making efforts to protect the minors from the harmful effects of sexually explicit material on the Internet. The acts of child pornography have been constantly held to be an exception to every constitutional freedom and courts and legislators, in order to prevent it from flourishing, have evolved various concepts.


At Indian level ample provisions are contained in our Constitution and under different penal laws by which government can curb the menace of obscenity or pornography of children. Article 19 (1) (a) of the Constitution of India secures to every citizen the freedom of speech and expression. But this clause should be read with Article 19 (2) which provides that the restriction can be imposed by State on the individual’s right to freedom of speech and expression on the grounds of public interest, morality and decency. So, pornography can be surely curbed under this provision of the Constitution by enacting laws.

At the outset it is worth mentioning here that the term, ‘pornography’ is not used in Section 292 of the Indian Penal Code, 1860 or Section 67 of the Information Technology Act, 2000. However, the Information Technology Act, 2000 does not depart for the definition of “obscenity” in the IPC. Section 292 of the IPC deals with variety of matters and it is comprehensive enough to cover all obscene publications. Section 293 of the Indian Penal Code provides for punishment of sale, etc. of obscene objects to young persons that is imprisonment up to three years and fine up to two thousand rupees, and in case of second or subsequent conviction imprisonment up to seven years and also with fine up to five thousand rupees. Similarly, Section 67 of the Information Technology Act deals with publishing of information, which is obscene in the electronic form and provides punishment for the same which is imprisonment up to five years and with fine up to one lakh rupees and in the event of a second or subsequent conviction imprisonment up to ten years and also with fine up to two lakh rupees. So, this is the first statutory provision dealing with obscenity or pornography on Internet. If we go through both the definitions, we can see that the concept of ‘obscenity’ is same as provided in Section 292 of the IPC and Section 67 of the Information Technology Act. Section 292 of IPC speaks of any “book, pamphlet paper, writing, drawing, painting or any other object,” whereas Section 67 of the Information Technology Act covers “electronic form” only. Moreover, the punishment prescribed under Section 67 is more severe then under Section 292 of IPC. Another important code which attempts to regulate obscenity is Indecent Representation of Women’s (Prohibition) Act, 1986.17 Pornography especially girl child pornography, which amounts to “indecent representation”18 can be an offence under this Act. The Goa Children’s Act, 2003 is the first enactment which used the word ‘pornography.’ Under this Act, “making children pose for pornographic photos or films” is covered within the definition of “Grave Sexual Assault.”19 Punishment for grave sexual assault is imprisonment which shall not be less than seven years but which may extend up to ten years and shall also be liable to fine of Rs. 2 lakhs.20

Child Beggars

Beggary is an accepted way of life for a large section of orphan, destitute and neglected children in our society. In urban areas we often come across children operating alone or in groups, soliciting money or food for privately run orphanages or homes. Apart from these a large number of children fend for their survival alone or in informal groups of

17 Act No. 60 of 1986.
18 Id., Sec. 2 (c).
19 Sec. 2 (y) (i) of the Goa Children’s Act, 2003.
20 Id., Sec. 8 (2).
two or three. These children can be seen making appeals for private charity in various ways in the railway stations, bus stands, religious places, busy markets and picnic spots. Such children are usually from poor families where the parents are unable to provide care, support or guidance for them. Sometimes child beggars may adopt the way of life of their parents. Such children often become part of organized gangs of beggars and are often the victims of the beggary evil. In India child beggars are handled in different manner and treated as a neglected child in terms of the children Act. Some children leave home and resort to begging due to disorganization in the family or death of parents, or loss of mother or father, maltreatment or neglect by parents. Sometimes even beggars kidnap children and mutilate them in order to use them as their pawns in beggary.  

In India, hundreds of thousands of children are being forced to beg. Many of the children are trafficked into gangs, some are kidnapped, others may have been handed over by their family out of desperation or because they have been duped. As per an estimate every year some 44,000 children fall into the clutches of these gangs. Children are trained to approach certain kinds of people and use certain mannerisms to extract even more money. The earnings of the children are handed over to the gang masters and if a child does not make their target that day they are beaten and tortured by them. Many child beggars are addicted to solvents, alcohol and charas. This helps the children to forget where they are, but it also helps the gang masters to keep them under control. Often children are maimed by the criminal gangs because disabled children get more money as compared to healthy ones and it increases the profit of criminal gangs. Often these maimed child beggars are terrified of speaking out and they say their limbs just disappeared or were damaged in an accident.

In India the Central legislation which deals with child beggars is the Juvenile Justice (Care and Protection of Children) Act, 2000. The term ‘child beggars’ are covered within the definition of child in need of care and protection. This Act also defines the term “Begging.” Apart from this some State Governments are also having legislations which deals with child beggars such as the Bombay Prevention of Begging Act, 1959, the Bengal

22 Powerful Afghan hashish often laced with opium.
24 Sec. 2 (d) (ia) of the Juvenile Justice (Care and Protection of Children) Act, 2000.
25 Id., Sec. 2 (b) “begging” means—
(i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under any pretence;
(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal.
Vagrancy Act, 1943 and the Punjab Prevention of Beggary Act, 1971. Researcher has discussed in detail about these legislations in Chapter-4 of the thesis. Researcher is of the view that poverty and failure of the government machinery to provide basic amenities to the poor people is the root cause of this problem at the same time strict implementation of the laws is necessary to curb this menace.

**Child Sex Tourism**

Child Sex Tourism (CST) is the sexual exploitation of children by a person or persons who travel from their home district, region or country in order to have sexual contact with children. Child sex tourists can be domestic travellers or they can be international tourists. Child sex tourism often involves the use of accommodation, transportation and other tourism-related services which facilitate the contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment.\(^{26}\)

Commercial Sexual Exploitation of Children (CSEC) is a term that describes the sexual abuse of children in exchange for cash or compensation, given either directly to the child or to a third party. There are various forms of commercial sexual exploitation of children and one of the forms of commercial sexual exploitation of children is child sex tourism which is related to the travel and tourism industry. The term ‘child sex tourism’ refers to acts perpetrated by travellers or by those who use their status as a tourist in order to sexually exploit children. Child sex tourism can said to be a sub-type of child prostitution having links with tourism industry where child victims are treated as sexual and commercial objects to facilitate the generation of profit.\(^{27}\)

There is one popular belief that poverty is the main cause of commercial sexual exploitation of children but this is not so. One factor which is responsible for sexual crimes against children is the demand for sexual contact with children. Opportunistic individuals and organized criminals take advantage of the demand for child sex by generating a constant supply of vulnerable children. They identify potential victims and bring the supply to the demand, creating a veritable child sex market. As a result, vulnerable and victimized children become a means of massive profit generation for these opportunists. Child sex tourists basically are of three types i.e. ‘paedophiles,’ ‘preferential child sex tourist’ and ‘situational child sex tourists.’ One misconception about child sex tourism is that all child sex tourists are paedophiles but in reality the majority of child sex tourists are “situational child sex tourists” who abuse children as a means of experimentation. On the other hand the preferential child


A sex tourist displays an active sexual preference for children and he will generally search for pubescent or adolescent children.  

**Child Marriage**

Child marriage is a marriage of individuals before they attain the age of adulthood. The Indian law recognises 18 years for girls and 21 years for boys as the age of adulthood for the purpose of marriage. Child marriage is a violation of the rights of the child as child marriage below a certain age is blatant child abuse. Any marriage before this minimum age is termed as child marriage. Here, adults take the decision and children are forced into marriage without proper understanding or knowledge. Once married she is expected to carry out different obligations arising out of marriage, including responsibilities towards the spouse, the family and society. In Rajasthan on Akshay Tritiya which is popularly known as Akha Teej hundreds of child marriages are openly performed. Akha Teej is regarded as the most auspicious day for celebrating marriages. On this day even infants, who have just been born or are only a few years old and cannot even sit or walk, are married. The child brides or the bridegroom do not understand the solemnity of these ceremonies, but for elders it is the safest and most tested way of keeping property and money within the family and of preserving the chastity of their daughters. These types of marriages are greatly prevalent in Rajasthan, but in other States also there are several incidents of child marriages.

Till the 1860’s, girls were getting married below the age of eight or nine years. Late in 1860 some success was achieved when the Indian Penal Code made provision against child marriage in which 10 years age was mentioned as Exception of Section 375 in the case of marital rape. Socio-reform religious movements, such as Brahmo Samaj and the Arya Samaj, pioneered work against child marriage. The contribution of Raja Ram Mohan Roy in curbing the ill practices of marriage cannot be neglected. In 1872, an Act came into existence which is known as the Special Marriage Act, 1872 or popularly known as the Brahmo Samaj Act. The requirement for solemnization of marriages under the Act was that persons should not profess the Christian, Jewish, Hindu, Muslim, Parsi, Buddhist, Sikh or Jaina religion. This Act prescribed that for marriage the man must have completed his age of eighteen years, and the woman the age of fourteen years. This Act was later on repealed by the Special Marriage Act, 1954.

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28 Ibid.
30 Act No. III of 1872.
31 *Id.*, Sec. 2 (2) of the Act.
This debate to stop child marriage was stirred up by case of *Queens Empress v. Huree Mohan Mythee*, or popularly known as ‘*Phulmonee Case*’ in which a girl named Phulmonee, aged 11 years and 3 months, died of haemorrhage from a rupture of vagina caused by her husband who had forced sex on her. The accused was convicted under Section 338 of IPC (causing grievous hurt by act endangering life *etc.*), since the law of rape as it stood then was inapplicable to intercourse with a girl above the age of 10 years. This case galvanized public opinion against child marriage in the last century, and for raising the age of consent. More than 500 women doctors sent a memorandum to the viceroy requesting him to stop the marriage of girls below 14 years of age. In 1891, the Age of Consent Bill came out and prohibited consummation before twelve years of age, which was applicable for all.32

During the period of 1917-1927 various women organizations emerged at national level such as National Council for Women in India (NCWI), Women’s Indian Association (WIA) and All-India Women’s Conference (AIWC). Various Bills addressing these questions were introduced and defeated until 1927 when Rai Sahib Harbilas Sarda34 introduced his Hindu Child Marriage Bill. The Assembly referred Sarda’s Bill to a Select Committee of ten chaired by Sir Moropant Visavanath Joshi. The Committee included only one Indian woman Mrs. Rameshwari Nehru recommended by the Women’s Indian Association (WIA). Once appointed, the Committee moved quickly to assess public attitudes; they sent out 8,000 questionnaires and announced a tour to hear a testimony from a large range of witnesses. The women organization promoted this legislation at every stage. They generated propaganda against child marriage, commented on proposed bills, petitioned, met with Joshi Committee and lobbied to secure passage of the Child Marriage Restraint Act. Throughout the Country AIWC branches organized meeting at which women’s opinions could be expressed. In their speeches women’s refused to confine their remarks to child marriage. The Joshi Committee recommended fifteen as the minimum age of marriage with twenty one the age of consent. But the final measure was a compromise, the minimum age of marriage was set at fourteen and for males eighteen and the age of consent was not

32 (1890) ILR Calcutta 49.
34 Rai Sahib Har Bilas Sarda was B.A., F.R.S.L. He was Member of the Royal Asiatic Society of Great Britain and Ireland; Fellow of the Royal Statistical Society of London; And Member of the Statistical Association of Boston, United States, America. He also wrote a book titled “*Hindu Superiority: An Attempt to Determine the Position of the Hindu Race in the Scale of Nations*” in the year 1906.
mentioned. The Child Marriage Restraint Act, 1929 was passed at the beginning of October, 1929 it took effect in April, 1930.\(^{35}\)

The women organizations rejoiced when the *Sarda* Act was passed. The NCWI was the most cautious in its praise saying this was the first campaign in the battle against social evil but not a victory. The WIA was less hesitant and immediately called a meeting to congratulate Rai Sahib Harbilas Sarda. The *Sarda* Act in their view was the major achievement of 1929. The AIWC reacted the most positively calling the *Sarda* Act a “great achievement” and a “personal triumph.” The euphoria was short lived. Government commitment to rigid enforcement diminished from the time officials began to assess the opposition and conclude it came primarily from the Muslim community. Muslim leaders’ threatened formidable agitation even before the Act was passed and asked that the Act be amended to exclude Muslims. The women’s organizations tried to combat this move in a number of ways. The AIWC claimed that they spoke for all women in India and Muslim women presented memorial to the Viceroy in support of *Sarda* Act. However, the government did not amend or repeal the Act. Enforcement of the Act was practically non-existent. It was difficult to obtain a guilty verdict. Moreover, many of those found guilty were pardoned. The number of child marriages increased as there was a rush to celebrate the marriage before the Act came into effect. The government blamed reform-minded Indians for not personally supporting the Act and not doing more to educate the masses about the evils of child marriage. The Indian reformers blamed the government.\(^{36}\)

There is no single cause of child marriage. The reasons behind this continuing practice are manifold. Child marriages are deeply entrenched in the socio-economic context of backwardness, poverty, illiteracy, patriarchy and feudalism, falling sex-ratio, backward status of women in general characterised by social malpractices like dowry, female feticide and infanticide and also certain traditional/religious/cultural practices in each region. Researcher is of the view that apart from these causes political patronage and poor implementation of laws are also major factors of child marriages in India.

Child marriage leaves an impact on the health and general well being of the children. It takes a toll on further development of the child with physical, intellectual, psychological and emotional detriments. Young brides also run the risk of catching diseases from their respective spouses, as older husbands often engage in sexual relations with other


\(^{36}\) *Id.*, at 88-89.
women outside the marriage. Young married girls do not have bargaining power in the marriage and therefore cannot negotiate safe sex and are deemed vulnerable. It has also been found that young girls are physiologically more prone to contracting HIV/AIDS, as her vagina is not well lined with protective cells and her cervix may be more easily eroded. An analysis of the HIV epidemic shows that “the prevalence of HIV infection is highest in women aged 15–24 and peaks in men between five to ten years later.”

Child marriage is thus child abuse and a violation of the human rights of the child. It has an extremely deleterious effect on the health and well being of the child. It is a denial of childhood and adolescence; it is a curtailment of personal freedom and opportunity to develop to a full sense of selfhood as well as a denial of psycho-social and emotional well being and it is a denial of reproductive health and educational opportunities. The girl child is the most affected and suffers irreparable damage to her physical, mental, psychological and emotional development. The Child Marriage Restraint Act, 1929 was the result of sustained pressure exerted by social reform groups and individuals who felt deeply about the adverse consequences of child marriage. The minimum age of marriage was upwardly revised on several occasions due to social pressure and increased from 10 years to 18 years.

The Supreme Court in the case of Smt. Seema v. Ashwani Kumar, observed that compulsory registration of marriages would be a step in the right direction as child marriage was still prevalent in many parts of the country. The Court directed that steps for registration of marriage should be taken by the State Governments who had not yet passed Acts for this purpose. The States were further asked to invite objections from the public and make registration of marriages compulsory for all citizens regardless of community within three months of its order dated 19.12.2007.

Child Femicide/Feticide

Female infanticide has a long history in India and chillingly each region has had its own established, traditional way of killing infant girls, methods that include drowning the baby in a bucket of milk, or feeding her salt, or burying her alive in an earthen pot. In 1976, Dr. Diana Russell first testified about a crime she called ‘Femicide’ at the first International

40 2007 (12) SCALE 578.
Tribunal on Crimes against Women held in Brussels, Belgium. She defined it as “the killing of women and girls” only because of their gender. Indeed, the sounding of Dr. Russell’s caution to the international community can be heard in a report just released by the UNDESA (United Nations Department of Economic and Social Affairs) which covers global infant and child mortality rates. The report shows that India has a shockingly high rate of mortality for female children between the ages of 1-5 years among the 150 countries surveyed, including countries classified as LDR (Less Developed Regions). It shows that for every 56 boys that die in this age group, there are 100 girls who die in India.41

A report published in 2011 in the Archives of Paediatrics and Adolescent Medicine, from a study conducted jointly by the Indian Council of Medical Research and the Harvard School of Public Health, established that girls under five years of age in India were dying at an abnormally high rate because of the prevalence of domestic violence in their homes that were targeting females. Another practice which is killing girls in India is deliberate and abusive neglect in context of food, nutrition and health. Families often deliberately starve daughters, neglecting to feed them completely or feeding them the leftovers if there are any after the men and boys are done eating. The family is often reluctant to spend money on her medical care if a girl child falls ill.42

Female feticide is the selective abortion/elimination of the girl child in the womb itself, done deliberately after the detection of the child’s gender through medical means. This is usually done under family pressure from the husband or the in-laws or even the woman’s parents. However, female feticide is a far more heinous sin than the age old practice of killing an unwanted child. The root cause for female feticide lies within the cultural norms as well as the socio-economic policies of the country where this practice prevails. Preference for the male child; age old custom of dowry system; deteriorated status of women in society; legalization of abortion in India; illegal sex determination are reasons for this heinous practice. Further, industrialization of the health sector has further strengthened the selective sex abortion because with the advent of CVS, amniocentesis and Ultrasound, sex determination of the foetus has become much easier than it was earlier. Results of female feticide are steep decline in sex ratio, increase in female trafficking, rape and sexual assault on women/girls and population decline. 43

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42 Ibid.
Crimes against children are not committed only after he/she comes in this world but it can be even before he/she takes birth in this world of crimes. Female feticide or the selective abortion of a female foetus is becoming increasingly common nowadays. The sex-selective abortion has become another technique to murder girls by use of pre-natal sex determination. Pre-natal diagnostic techniques involve two main technologies, *i.e.* amniocentesis and ultrasonography. In India, pre-natal sex determination test relies mostly on the ultrasonography which is easier and cheaper to conduct than amniocentesis. Most physicians are largely conscious of the ethical implications of this technology and are opposed to sex selection. However, a small number of unscrupulous practitioners have become rich by performing illegal sex diagnoses or sex-selective abortions. The five lowest States in terms of sex ratio in India are Haryana, Jammu & Kashmir, Sikkim, Punjab & Uttar Pradesh. By per capita income, the poorest states are Bihar, Uttar Pradesh, Jharkhand, Manipur & Assam. Interestingly, Punjab & Haryana are among the wealthiest States by per capita income, suggesting that it is not just economic deprivation that causes families to kill their girl children. It provides evidence to us that culture and not just economic deprivation plays a significant role in the attitude towards women. The Pre-conception and Pre-Natal Diagnostic Techniques Act in India was implemented in the year 1994 and later amended in 2002 bans pre-natal sex determination with a view to prevent sex selective abortion. In 2011, the Government of India launched “Save the Girl Child Campaign” and is trying to lessen the preference for a son by highlighting the achievements of young girls.\(^4^4\)

Concerned over the drastic drop in the girl child ratio across the country, the Supreme Court on January 9, 2013 sought response from seven worst performing States and summoned their health secretaries. The bench of Justices K.S. Radhakrishnan and Dipak Misra issued notices to the Health Secretaries of Punjab (846), Haryana (830), Rajasthan (883), Uttar Pradesh (899), Bihar (933), Maharashtra (883) and Delhi (866) and they were asked to detail the action taken against clinics, which were indulging in pre-natal diagnosis of foetus sex on the sly contributing to the dip in the sex ratio. The Court wanted them to explain action taken by them against offenders who violated the PNDT Act that prohibits pre-natal sex determination. The average count of the girl child (0-6 years) has dropped to 914 per 1,000 boys as per the Census 2011 from a relatively high level of 927 in the 2001 Census. The Voluntary Health Association of Punjab, which filed the PIL in apex court to highlight serious violations of PNDT Act, stated that when it came to matching the girl child ratio with

that of boys, the above seven States/UTs fared the worst. Drawing a direct link between the fall in the female child ratio with the prevailing mindset to have a boy child, the bench said, “Society as a whole is not accepting equality between boy and girl” and the bench further added, “There has to be a change in this mindset.”

Child Labour

The term ‘Child Labour’ is used as a synonym for ‘employed child’ or ‘working child’. However, child labour can be defined as that segment of the child population which participate in work either paid or unpaid. Today the incidence of child exploitation has posted a serious threat to the world and particularly India. It has been a perennial social evil of our country and no suitable remedy has been traced out so far to curb the menace. No doubt the child exploitation is legally prohibited but in reality it is rare to see an occupation where children are not exploited.

The evil of child labour is not a recent phenomenon in India. Mentions of domestic slavery are found in Kautilya’s *Arthashastra*, when children below the age of 8 worked in the households of many nobles. In medieval times, children were engaged as trainees under artisans and craftsmen. Existence of bonded labour is also not unknown in India. When a adult male is employed by landlord for almost nothing, his entire family including the children were engaged.

The Father of Nation, Mahatma Gandhi, strongly condemned the practice of child labour. A speech delivered by Gandhi was published in the newspaper ‘*Young India*’ on 5th May, 1920. He said: “It is a sign of national degradation when little children are removed from schools and are employed in earning wages. No nation worthy of the name can possibly afford so to misuse her children. At least upto the age of 16 they must be kept in schools.”

The economic practice of child labour in India dated back to industrial revolution in the country. Since then, the demand of industry for cheap labour grew up so rapidly and the poverty of the masses became so acute that the tendency to exploit child labour among the

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employer increased in unprecedented manner and consequently children begun to be employed in organised factories and other establishments in large numbers.\textsuperscript{50}

Poverty makes the parents send their children to seek employment at an early age, as their earnings are essential for the survival of the family. Parents do not have the means to support and educate them; they want them to start earning as soon as possible. Similarly, low wages have a direct bearing on the prevalence of child labour in India.\textsuperscript{51} The lower socio-economic groups of population are illiterate. They only think about the present time, which is their sole concern and worry. They never think of future. They are fully satisfied with what they gain by the earnings of children. It is ignore by them that their children may participate even in educational opportunities.\textsuperscript{52} Child labour is preferred not only due to low wages but also because children are obedient, submissive, trouble free and are prepared to do all types of work without demanding over time, medical benefits and holidays etc. they are more needy and more active; they have less developed egos and status consciousness. Moreover, children can be easily punished for minor mistakes. Socio-cultural disparities may also contribute to child labour. Many societies display historical injustices and traditional taboos. The phenomenon has racial and social origin, interwoven issues of class and caste and the remnants of slavery. It is obvious that children used for labour exploitation are lured from particular racial or social groups, rather than from the well-endowed group in power.\textsuperscript{53} Another direct cause of child employment is the situation at home. There may be tension and uncertainty, provoked or increased by poverty; the father may have left home; the mother may be alone; the father or mother, or both, may fall ill, or become physically unfit or die.\textsuperscript{54}

Migration is another cause of child labour, when family had to move from one area to another due to agricultural cycle; his wife and young children either move with him or stay back to look after the family in his absence. In the urban areas, when the whole family moves from their village to the cities, they face problem of lack of shelter, hunger, joblessness etc., and it forces the children to join the revolution is becoming a stabilized reality and wages of agricultural labourers has substantially gone up, labour families have pressed into service their child population, tempted by relatively good earnings.

\textsuperscript{51} Arbind N. Pandey, “Child Labour” \textit{Competition Refresher}, May 2003 at 33.
\textsuperscript{52} Narendra Prasad, \textit{Population Growth and Child Labour: The Indian Dilemma} (New Delhi, Kanishka Publishers, 2001) at 122.
The problem of child labour has numerous aspects, and child labour is regarded as a current problem because of its social as well as its economic implications. The concept of child labour as a problem is a modern one. Earlier societies, including American colonial period, frequently regarded child labour as a solution to problem rather than as a problem in and of itself. They regarded the employment of children as a means of keeping them out of mischief and of instilling habits of the thrift and industry as well as means of freeing the local governments of the expense of aiding dependent children. The child labour movement, as it appears today is thus a reversal of the policies regarded as socially desirable a century past.  

The notion that the children of the poor should be removed from the labour force and placed into schools a modern one. Until only a few centuries ago, children everywhere worked alongside of their parents. Only the children of privileged classes could escape manual work, and in this way they emulated their parents—priests, landlords and rulers—whose control over wealth, knowledge and power enabled them to educate their children to assume the same role as their parents. Child labour was not created by industrialization, nor is it the result of capitalism. It represents the persistence of traditional or pre-industrial conceptions of the child in relation to work and parents. The tradition conception in most countries is that children should be socialized to contribute to the maintenance of the family.

A distinction is often drawn between child engaged in work and child labour. The rationale given for the distinction is that all work is not necessary exploitative. Help by children, is perceived as a necessity by families in certain sectors of economic activity and, if it is not at the cost of schooling, play, recreation or growth of child, it is not to be considered undesirable, as it does not risk the child’s future. However, when the work is exploitative in nature and the child is made to work too early in life for long hours for a pittance in harsh intimidating conditions without any opportunities for schooling, recreation, play and development, it becomes a fit case for being categorized as child labour and needs to be prevented.

Although extent and nature of child labour vary among countries and regions, child labour remains a widespread phenomenon. The Magnitude of the problem, especially in developing countries, is great and task of attacking it is urgent. What gives cause for concern is work that places too heavy burden on the child; work that endangers his safety, health or

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welfare; work that takes advantage of defenseless of the child; work that exploits the child as a cheap substitute for adult worker; work that uses the child’s effort but does nothing for his development; work that impedes the children’s education and training and prejudice his future. Child labour of this kind must be target of national or international action.  

Child Abuse

“Child Abuse” can be defined as causing or permitting any harmful or offensive contact on a child’s body; and, any communication or transaction of any kind which humiliates, shames, or frightens the child. Some child development experts go a bit further, and define child abuse as any act or omission, which fails to nurture or in the upbringging of the children. Child Abuse is very widespread and familiar phenomenon, a shocking characteristic of modern world. In today’s scenario, it has become a very common incident when the innocent, defenseless, helpless child goes through physical and emotional ordeal. The effects of this trauma can be very deep and can last for life long period, which destroys the very roots of his or her physical and mental makeup. Child Abuse is an act that is intended to harm or endanger emotional or physical development of a child. It also includes the acts of negligence towards child. It can take place at every strata of community regardless of culture, religion, ethnicity and income. Child abuse and neglect has been defined by the U.S. Federal and State laws. The Child Abuse Prevention and Treatment Act, 1973 (CAPTA) is the U.S. Federal legislation which provides for minimum standards that States must incorporate in their statutory definitions of child abuse and neglect. Similarly in India, the Goa Children’s Act, 2003 defines “child abuse” on the pattern of CAPTA.

There can be various types of child abuse such as physical, sexual, emotional, substance and commercial abuse of children. Physical, sexual or emotional abuse can cause
several problems in the physical and emotional development of the child for years. The effects of abuse can vary from child to child, depending upon the severity and frequency of abuse, age of the child, child’s relationship with the abuser, availability of emotional support and the child’s capacity to cope. The abused child can recover from the physical harms and injuries with proper medical attention after some duration. But, it is very difficult for the child to cope up with long-lasting psychological effects. One of the most common psychological problems in a physically abused child is disruptive disorder. Physically abused children tend to show excessive aggressiveness and delinquent behaviour. The child may become extremely violent or self-destructive. Some other common psychological effects of child abuse are behavioral problems, attention problems, anxiety, alcohol abuse or drug abuse, bed-wetting, academic difficulties, concentration problems and chronic sexual behaviours. The abused child suffers from depression, insomnia, eating disorders, fear or shyness, failure to thrive, learning problems, inability to concentrate, panic attacks, malnutrition and repeated self-injury. An emotionally abused child suffers from low self-esteem, paranoia, loneliness, poor relationship with the opposite sex, interpersonal sensitivity, lack of interest in daily activities and sense of dissociation.

**Child Prostitution**

Child prostitution designates the use of children for sexual activities in exchange for remuneration or another form of retribution such as gifts, food, clothes, etc. This activity is included under the umbrella term of sexual exploitation. These children work on the streets or in establishments such as brothels, clubs, massage parlours, bars, hotels, or restaurants. Both boys as well as girls are driven to prostitution. It is easier to abuse a child than an adult. Sexual exploiters utilise the docility of children because they are less able to defend themselves. This deviant attitude is often caused by the feeling of sexual and economic power, by the desire for new experiences, or by the feeling of impunity related to anonymity. Moreover, in certain cultures, myths and prejudices often justify the search for sexual relations with children. In Asia for example, some men are persuaded that the fact of having sexual relations with very young virgin girls prevents them from contracting HIV/AIDS, as well as curing this illness. Most men believe also that having sexual relations with a virgin increases their virility, as well as bringing longevity and success in business.\(^{64}\)

Sexual abuse degrades the very soul of the victim particularly children who are vulnerable to sexual abuse and exploitation by unfamiliar persons both for commercial and

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non-commercial purposes. The commercial sexual exploitation of girls is a global, the multi-
million dollar industry and pouring money into the hands of private citizens, government and
police. Child prostitution and involvement of large number of children for flesh trade is the
most serious manifestation of child abuse. Young innocent girls are kidnapped and sold either
to men who are not able to get spouses in life, or to the owner of a brothel who purchases
these girls and brings them up till they are grown up, whereupon they are treated as objects in
the market of women flesh. There has always been a demand of children for sexual purposes.
In India, sometimes sexual abuse starts during infancy. Quite often child’s own relatives
are responsible for such abuse. A majority of girls in prostitution are forced into this practice
either by unscrupulous adults or by poor parents and guardians. In India, approximately 20% of
the prostitution constitutes 11 to 13 years old girls. Child prostitution is quite serious in
Thailand. It is widespread and brazenly advertised and is closely linked to the systematic
promotion of tourism. Poverty alone is not root cause of child prostitution; it is coupled with
the existing socio-religious status of women and prevailing national structure. The victims of
this profession age very rapidly, due to lack sleep, malnutrition, having to satisfy abnormally
large number of customers, multiple abortions and venereal diseases.65

Child Trafficking

Trafficking in children is a growing problem in our country. The Protocol to
Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,
defines the term “Trafficking in persons” means the recruitment, transportation, transfer,
harboring or receipt of persons, by means of threat, force, coercion, abduction, fraud,
deception, abuse of power or of a position of vulnerability or giving or receiving of payments
or benefits to achieve the consent of a person having control over another person, for the
purpose of exploitation.66

Generally, it is felt that trafficking of children takes place for sexual exploitation
but trafficking for forced labour, slavery, servitude, marriages and for the removal of organs
is also very common. The trafficked children are most commonly used for labour in brick
kilns, factories, construction work, sweatshops, as domestic servants and for the prostitution
and pornography. Children become victims of trafficking due to various diverse factors.
Poverty is the most identifiable factor driving the children into trafficking. People are forced
to leave their natural habitat and are migrated to places where jobs are available. In search of

66 Article 3 (a) of the Protocol.
job, male members leave behind their wives and children. These women and children becomes prey to evil intention of traffickers who lure them away with temptation of jobs and push them in prostitution or domestic work. Some other factors which lead to child trafficking include, natural calamities and poor rehabilitation of victims of disaster, Indian tribal (Nats, Kanjar, Bedia) where girl children traditionally earns through prostitution, male unemployment, weal law enforcement in border areas due to insufficient or corrupt policing, clandestine nature of this crime, lack of political will in setting up necessary infrastructure for protection of women and children. Child trafficking is not a new phenomenon. Women and children are bought and sold ever since human civilization came into existence but in the recent past there is an increased reporting of it, making it more visible than ever before. Children are trafficked because there is demand for them. The supply comes easy as children are the most vulnerable section and therefore can be manipulated, coerced, bought and sold.67

**Child Delinquents**

From the inception of civilization people have appreciated that proper child development is the key to its perpetuation. Children are the most vulnerable group in any population and in need of greatest social care and protection. Due to their vulnerability and dependence, there is always a chance of them being exploited, ill treated and directed into undesirable channel by anti-social elements in the community. It is a fact that despite the utmost care and protection, children have from time immemorial indulged in deviant or anti-social behaviour. Such behaviour of children which is otherwise termed as ‘juvenile delinquency’ has been regarded as problem in every age.68

Etymologically, the term ‘delinquency’ has been derived from the Latin word ‘delinquer’ which means ‘to omit.’ The Romans used the term to refer to the failure of person to perform the assigned task or duty. It was William Coxson who in 1484, used the term ‘delinquent’ to describe a person found guilty of customary offence. The word also found place in Shakespeare’s famous play ‘Macbeth’ in 1605. In simple words it may be said that delinquency is a form of behaviour or deviation from the generally accepted norms of conduct in society. However, penologists have interpreted the word ‘juvenile delinquency’ differently. Generally speaking, the term refers to a large variety of disapproved behaviours

67 Ibid.
of children and adolescents which the society does not approve of, and for which some kind of admonition, punishment or corrective measure is justifies in the public interest.69

The following quotations by Edward H. Stullken in his article ‘Misconception about Juvenile Delinquency’ may be reproduced here in order to understand the historical fact of this problem in ancient period too. An Egyptian priest almost 6000 years old wrote on the walls of a tomb: “Our earth is degenerate in these latter days. There are signs that the world is coming to an end because children no longer obey their parents.”70 Similarly, Socrates wrote a paragraph over 2400 years ago that might well have appeared in a morning paper of today: “Children now love luxury, they have bad manners, contempt for authority, they show disrespect for elders, and love chatter in place of exercise. Children no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs and tyrannise over their teachers.”71

Since a nation’s future depends upon young generation, children deserve compassion and bestowal of the best care to protect this burgeoning human resource. A child is born innocent and if nourished with tender care and attention, he or she will blossom with faculties physical, mental, moral and spiritual, into a person of stature and excellence. On the other hand, noxious surroundings, neglect of basic needs, bad company and other abuses and temptations would spoil the child and likely to turn him a delinquent. Our children being an important asset, every effort should be made to provide them equal opportunities for development so that they become robust citizens physically fit, mentally alert and morally healthy endowed with the skills and motivations needed by society.72

The researcher has systematically divided this research into 8 Chapters detailed as under:

Chapter-1 titled “Introduction” deals with introductory aspect of this topic. It deals with conceptual issues of crimes against children. There are various criminal issues related with children such as child soldiers, child beggars, child pornography, child sex tourism, child femicide, child labour, child abuse, child marriage, child prostitution and child trafficking which are discussed in this Chapter. Reports of National Crimes Record Bureau

71 Ibid.
(NCRB) from 2008-2013 dealing with crimes against children in India and in the State of Punjab have been discussed and their graphic presentation has also been done. Apart from this Chapter also deals with object of study, research hypothesis, research methodology, literature analysis and universe of study.

Chapter-2 titled “International Law for Welfare and Prevention of Crimes against Children” deals with provisions contained in the international laws for the welfare and prevention of crimes against children. In this Chapter researcher has discussed provisions contained in the Conventions, declarations, recommendations, guidelines of the League of Nations, the United Nations, WHO, UNESCO, OHCHR, UNICEF etc. Regional Conventions entered into by the African, European Union, American, Arab, Council of Europe, European Union, SAARC and ASEAN nations have also been discussed in detail in this Chapter.

Chapter-3 titled “Welfare Provisions for Children under the Constitution and National Policies of India” deals with provisions contained in the Constitution of India for the welfare of children. Researcher has discussed the provisions of the Constitution regarding Fundamental Rights, Directive Principles of the State Policy and Fundamental Duties for the welfare and protection of children. Since, children has been given paramount place in the national policies of India so attempt has also been made to discuss the provisions contained in the various national policies in context of welfare of children.

Chapter-4 titled “Crimes against Children under Special and Local Laws” deals with various special and local laws prevalent for the welfare and protection of children against crimes in India. Researcher has discussed in detail the provisions contained in the Indian Penal Code regarding crimes against children. Apart from the IPC various special and local laws covering various aspects of children has also been dealt with alongwith the punishment prescribed under those Acts. As research is with special reference to the State of Punjab so an attempt has been made by researcher to discuss some Local Laws of the Punjab dealing with children. Apart from these laws various notifications/advisories/codes/reports/bills/guidelines/recommendations issued by the government for welfare and protection of children has also been discussed in detail in this Chapter.

Chapter-5 titled “International and National Laws for Welfare and Protection of Child Labour” deals with efforts made at international and national level to combat the menace of child labour. Researcher has made an attempt to discuss the provisions contained in the Conventions and Recommendations of the International Labour Organisation (ILO) for
the welfare of child labour working in different establishments. At Indian level various laws dealing with child labourers along with punishments for their violations has been discussed. Though some of the laws are not in force as they are repealed but researcher felt the need to discuss those legislations as well. Apart from this Reports of various Commissions/Committees constituted in India for the welfare of labour including child labour has been discussed in this Chapter.

Chapter-6 titled “Judicial Approach towards Children in India” deals with role of judiciary towards children in India. In this Chapter researcher has discussed the role played by the honorable Supreme Court of India and respective High Courts through its innovative judgments regarding protection and welfare of children. Researcher has touched almost every aspect related with children in this Chapter.

Chapter-7 titled “Empirical Studies in the State of Punjab” deals with the findings of the empirical study conducted in the State of Punjab regarding crimes against children.

Chapter-8 titled “Conclusion and Suggestions” deals with conclusion drawn upon the base of research and few suggestions have been given with a view to combat the crimes against children.

Conclusion and Suggestions

Children are heaven’s lieutenants. They have the right to life and well being; to health care, nutrition and shelter; to protection from conflict, neglect, exploitation, abuse and injustice. They are our future and therefore let them not be denied of their right to grow. Because the future and stability of 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 as an important social unit has therefore to be taken care as a whole instead of some isolated phase in his development and no one should forget the saying, “let children be children.” Children, being the supremely important national asset, require special attention and protection against all sorts of neglect and exploitation and it is the social responsibility of the state to work in this direction in a strong and positive manner. Accordingly, Constitution of India, different legislations, national policies, different international Conventions, Recommendations, Declarations at international level have tried their best to protect the children in every aspect. But with the progress and development of the society, even in 21st century, the rights of the children are being squeezed and plight of the children remains the same. Day by day, rather offences against children are increasing. Child rape, kidnapping, abduction, child prostitution, foeticide and infanticide, child labour, child trafficking, child
abuse etc. are now very common in the society, which shows how much we are concerned about the welfare and protection of our children?^{73}

Noble laureate Dr. Rabinder Nath Tagore once said: A nation’s children are its supremely important asset and nation’s future lies in their proper development. An investment in children is indeed an investment in future. A healthy and educated child of today is the active and intelligent citizen of tomorrow.^{74}

So, after going through various discussions regarding crimes against children and its different forms under various Chapters of this thesis the researcher here want to conclude and suggest few measures to curb crimes against children. The following are the conclusions and suggestions which emerged from the study conducted by the researcher.

(i) First of all we need to understand who is ‘child’ or what is legal definition of ‘child’ under international laws and national laws of India? “Child” by adjective phrase, means a person who is unable to maintain itself. But the word ‘child’ has been used in various legislations as a term denoting relationship, as a term indicating capacity and as a term of special protection. Simply to answer the question ‘who is child,’ obviously first of all, the age at which a person ceases to be a child well be taken into account.\^{75} In Chapter-1 researcher discussed around 40 Indian existing, old or repealed legislations which define the term ‘child’ or ‘minor.’ Some Acts defines the term ‘Child’ while others define the term ‘Minor.’ Legislations relating to marriage, succession, contract etc. defines the term ‘minor’ i.e. a person below the age of 18 years. Under most of the Indian labour laws age of children is fixed as 14 years below which they cannot work. While in other special and local legislations of different states including the State of Punjab the legal age of children is 14, 16, 18, 20 or 21 years. So, researcher is of the view that there is no uniform definition of ‘child’ under the Indian laws. So, researcher here suggests that there should be uniformity regarding age of children whether we are defining him/her as ‘child’ or ‘minor.’ Legal age to define a person as ‘child’ should be 18 years for all purposes in all legislations including labour legislations.

(ii) Child marriage is also one of the forms of crimes against children and especially in case of girls’ children. The State of Punjab is exception in this regard where there are seldom cases of child marriages and it has been disclosed by the Annual Reports on

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^{73} Ibid.


^{75} See Chapter 1, Supra note 130 at 1-2.
‘Crime in India” published by the National Crimes Record Bureau. Though child marriages are not common in the State of Punjab but record of other States like Rajasthan, Uttar Pradesh, Madhya Pradesh and Bihar are notorious in this regard. After 2013 criminal Law Amendment the minimum age for consensual sexual intercourse under section 375 of IPC has been fixed as 18 years but age mentioned in the Marital Rape i.e. Exception to Sec. 375 of IPC is still 15 years.

So, researcher here suggests that one of the ways to stop child marriages is increasing the age mentioned in the Marital Rape i.e. Exception to Sec. 375 of IPC. The age should be enhanced from 15 to 18 years. Minimum age for consensual sexual intercourse under Section 375 of IPC has been fixed as 18 years as recommended by 84th Report of the Law Commission of India,76 but in case of marital rape it is still 15 years which seems wholly unjustified. If amendment is made in Exception to Sec. 375 of IPC then the person marrying the girl below the age of 18 years will think twice before marriage as there will be fear of being booked under the offence of rape under IPC if sexual intercourse takes place even with the consent of married girl. Similarly, the age of marriage for both boys and girls should be 18 years as recommended by the Law Commission of India in its 205th Report as there seems to be no logic for fixing different age for boys and girls.77 All child marriages should be declared void instead of voidable as provided under the Prohibition of Child Marriage Act, 2006.78

(iii) Researcher here want to mention that most of the people are aware of Police Helpline number 100 to contact the police in case of emergency but most of them are ignorant about CHIDLINE 1098 service for protection of child in case of emergency. As discussed earlier this is India’s first 24-hour toll free, emergency phone service for children in need of aid and assistance run by NGO Childline India in selected cities/districts of India.79

Researcher suggests that this emergency helpline number should be like police helpline number throughout whole of India. This emergency helpline number should be displayed at all public places like railway stations, bus stations, airports, public parks, amusements places, banks, shopping malls, hotels and restaurants, police stations/posts, schools and other institutions, all government and private or semi-government buses,

76 Chapter 1, Supra note 95.
78 Sec. 3 (1) of the Prohibition of Child Marriage Act, 2006.
79 See Chapter-7, Statement of Figure 7.4.
autos and other modes of public conveyance used by public at large with a view that
general public including children should be aware of this helpline number in case any
emergency arises. This Childline helpline number should be displayed in all official
websites of State and District Police which is missing especially in the official websites
of Punjab Police and District Police. Some of these websites just display some security
tips for women and children which is not sufficient.

(iv) Child labour is also one of the forms of crimes against children which is directly
associated with poverty. Our Constitution prohibits employment of children below 14
years of age in any factories or mines in any other hazardous employment and our
judiciary has banned employment of children in different hazardous establishments.
Most of the labour legislations of India fixed 14 years as age for children to work in
different kind of establishments. Part A & B\textsuperscript{80} of the Schedule of the Child Labour
(Prohibition and Regulation of Employment) Act, 1986 contains list of 18 Occupations
and 65 Processes where children cannot be allowed or permitted to work. Apart from
this there are various other legislations and rules in India where children are not
allowed to work below the age of 14 years but it has been seen that laws and rules are
openly flouted in case of child labour. One of the failures of most of the labour
legislations dealing with children is lack of its implementation and meager punishments
and penalties. If we go through the punishments provided under different legislations
we find it is just mockery of law. There are very few prosecutions in case of child
labour and violators go scot-free just by paying the fine. Another reason for prevalence
of child labour is that most of the people do not think that child labour is also one of the
worst forms of crimes against children and they also think that there should not be any
severe punishments in case a person employs child labour. Generally people think that
by providing labour to children they are helping the child or his family but they forgot
that they are also spoiling the future of children because by employing him they are
snatching his right to childhood and education.

Therefore, researcher suggests that first of all age limit for children to work should be
increased from 14 to 18 years as India is also signatory to Convention on the Rights of
Child, 1989\textsuperscript{81} which defines that child is a human being below the age of 18 years. But
while accessing this Convention the Government of India has made its Declaration
which is reproduced as: \textit{“—that it is not practical immediately to prescribe minimum}

\textsuperscript{80} See Chapter-5, Supra note 252 & 253.
\textsuperscript{81} India accessed this Convention on 11\textsuperscript{th} December, 1992.
ages for admission to each and every area of employment in India—the Government of India undertakes to take measures to progressively implement the provisions of Article 32(2)(a), in accordance with its national legislation and relevant international instruments to which it is a State Party."

Secondly, there should be stricter punishments and heavier penalties in case a person employs child labour which is lacking in almost all labour legislations of India and at the same time there should be proper implementation of the laws by the labour officers and police officials. Thirdly, society will have to change its outlook towards children and they will have to think twice before they employ any child as labourer that by doing this they are ruining the future of the nation. And above all, no doubt child labour is a socio-economic problem and it cannot be eradicated by the enactment of legislations and punishments or penalties. So, State will have to play its positive role to remove poverty, hunger, unemployment and should create such kind of infrastructure where no children are forced to work in any factory, mines, dhabas, hotels, domestic workers etc. and they should receive education to become productive member of society. Researcher here feels that there should also be public awareness about the evils of child labour and its adverse impacts upon the children.

(v) Child sex tourism is another serious crime which is increasing now days in the coastal states of India particularly in Goa and Kerala where foreigners came to satisfy their lust of sex with children. The Goa’s Children Act, 2003 fixed responsibility upon the Tourism Department of the Government to collaborate with the Travel and Tourism Trade of Goa to evolve a Child Friendly Tourism Code for Goa.

So, researcher here suggests that immediate action should be taken by the government to curb the menace of child sex tourism. It requires effective co-ordination among the State police agencies and the Central law enforcement agencies, including immigration authorities, airport authorities. Persons identified or accused as child sex tourists should be prohibited from entering the territorial limits of Indian States. Government must prepare an online data base of these accused/convicted persons who came to India as child sex tourists.

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82 Article 32 (2) (a) of the Convention provides for a minimum age or minimum ages for admission to employment.


84 See Chapter 1 of the Thesis, Supra Note 78.
Modern technology has its own merits and de merits. Though Internet can be used as medium to generate public opinion to raise voice against rising incidences of crimes against children but it can also be used a means of committing crimes against children. Child pornography and abuse of children by the use of Internet is also one of the complex issues which need to be addressed on urgent basis. Porn websites containing sexually explicit material are also one of the reasons for growing sexual violence against children. There are thousands of porn websites which depicts children as object of sexual pleasure. These websites can easily corrupt the mind of any person including children. By watching these websites children are also committing sexual violence against other children especially against girl children. So, these websites are not only inciting adults to commit crimes against children but also encouraging children to commit crimes. Paedophiles also use Internet as a source to find their prey by making fake identities on social media websites. They make friendship with children and later on sexually abuse them. So, Internet has also become as source of abuse of children and it is also making children as criminal. Under the Information Technology Act, 2000 the Indian Computer Emergency Response Team (CERT-In) has been designated as the single authority by Government of India, for issuing instruction to the Department of Telecommunications to block the websites. Promoting pornography including child pornography is one of the major grounds for blocking of websites if any complaint in this regard is made.85 Further, the Information Technology (Guidelines for Cyber Cafe) Rules, 2011 also provide guidelines to be followed by the cyber cafe owners if minor uses the Internet in their cafes.86 Similarly, the Ministry of Home Affairs, Government of India has issued advisory on preventing & combating cyber crime against children to all the Chief Secretaries, all State Governments and UT Administrations.87 So, researcher here suggests that ample provisions in our laws exist by which these porn websites can be banned or blocked by the government but it is not an easy task as there are thousands of porn websites on the Internet and it is very difficult to identify all these sites. These are technical issues rather than legal and law alone cannot curb this menace. Government must evolve some technology to filter these sites with a view to block this. People must come forward and make complaint to the Department of Telecommunication, Government of India, if they come across any porn website.

85 For details see Chapter 4, Supra note 590.
86 Id., Supra note 591.
87 Id., Supra note 914.
containing material of child abuse. Parents must use software which filters these websites when their children access Internet and they should also educate their children about the pros and cons of Internet. Police officials must be given proper training to deal with these cyber crime issues related to children. Strict responsibility lies upon the Cyber Cafe owners not to allow any child to have access of porn websites and for this they can also use filters while allowing minor to use Internet in their cafes. Violation of this rule should incur heavier penalties and cancellation of licence. Similarly, schools and other educational institutions where children are studying should also use filters in their computer labs so that children could not have access to porn websites. Researcher here wants to mention that ‘child pornography’ has been included as a separate offence under the Protection of Children from Sexual Offences Act, 2012 under which severe punishments are provided which is a welcome gesture.88

(vii) Generally, there is common perception in the mind of people that police is responsible for growing rate of incidences against children. So, image of police is not very neat and clean in their eyes and they make police accountable in prevention of crimes. Majority of the respondents of Punjab who filled questionnaires were of the view that police is responsible for increasing rate of crimes against children in the State. Researcher feels that to large extent it is true because functioning of police is based upon old age pattern of crime control and prevention. Inquiry and investigation of crimes related to children requires different approach, method and mindset which is lacking in the police which works on traditional pattern. Sometimes there is involvement of children also in the inquiry, investigation, trial or judicial process and all this requires a balanced, cautious, positive and protective attitude towards children so as to avoid his/her further victimization.

Researcher suggests that police officials should be given specialised training in matters connected with crimes against children so that they should deal in effective manner in a situation when offences are committed against children. There should be having a separate children cell in police stations in-charge of a woman police officer specially trained in criminal issues related with children to deal exclusively with the crimes committed against children. Further, there is need to have a special task force in the police which should exclusively deal with cases of crimes committed against children.

88 For details see Chapter 4, at 323-324.
Further, attitude of police towards child victims should be friendly so that children should depose the entire incident freely and without any fear before the police. Police should take prompt action if any sort of abuse is committed against children. Last but not the least police will have to understand that they are meant to serve the people and not to rule over them and only then they can regain their lost image in the eyes of people.

(viii) Researcher in this Thesis discussed more than 100 different criminal, labour and personal laws which deal directly or indirectly with welfare and protection of children against crimes. Ample provisions exist in these legislations for protection of children against crimes but there is no uniformity and consistency with regard punishments and penalties in these legislations. Most of the major legislations in India for protection and welfare of children are enacted by the Union Government and which are equally applicable upon the States as well.

So, researcher suggests all Central and State legislations containing provisions for protection of the children against crimes should be repealed and there should be a separate Children Code in India known as “The Children Code of India (CCI)” to deal exclusively with violation of child rights and crimes committed against children. This Children Code should be uniformly applicable throughout the territory of India and it should be divided into different criminal issues related with children like child labour, child abuse, child trafficking, street children, delinquent children, child sex tourism, child prostitution, child femicide, child beggars, child marriages, child soldiers, child pornography etc. This Code should contain severe punishments and heavier penalties in case of crimes against children or violation of child rights. Researcher is of view that if this type of Code is enacted then certainly there would be uniformity in the punishment throughout India. Advocates and Judicial Officials would not have to go through different legislations while dealing with issues relating to crimes committed against children. Researcher feels that Goa’s Children Act, 2003 could be taken as a model in this regard. Researcher here wants to mention that Protection of Children from Sexual Offences Act, 2102 can said to be a complete code with regard to sexual offences committed against as it supersedes IPC and other legislations related with sexual abuse of children but it has limited application in sexual offences only and other types of child

89 For details see Chapter 4 & 5 of this Thesis.
90 For details see Chapter 4 at 291-299.
abuses are not covered under this Act.\textsuperscript{91} So, Researcher suggests that Goa’s Children Act, 2003 could be taken as a model to enact ‘The Children Code of India.’\textsuperscript{92}

(ix) Just enacting of the legislations and drafting policies and programmes for welfare and protection of children from crimes is not sufficient to deal with the various criminal issues related with children. The legislation and policies have to be implemented and monitored regularly to achieve the desired objectives. So, implementation of the laws relating to welfare and protection of children from crimes is another issue. As we have discussed earlier there are plethora of laws relating to welfare and protection of children in India. But problem arises in their implementation. Duty to enforce and implement the laws relating to children lies upon the police, executive officers, judicial officers, labour officers, institutional heads and elected people’s representatives. But due to lack of accountability, bureaucracy, corruption, lack of information sharing it becomes almost impossible to have effective co-ordination and monitoring of child rights. So, priority should be given to strengthen these weak aspects.

So, researcher here suggests that proper implementation of the laws relating to protection and welfare of children is possible only when there is proper vigilance by the society over the laws, policies and programmes relating to welfare and protection of children. For this there should be set up of Vigilance Committees at State, District, Block, Village and Ward levels which should monitor and keep an watch over the laws relating to children. These Committees should have representatives from government, civil society, NGOs, social workers, \textit{Panchayats} and children representatives. Apart from this there should be proper accountability and transparency in the functioning of the officials or persons who are having the responsibility to enforce and implement the laws relating to welfare and protection of children.

(x) One of the methods to protect children from crimes is to educate them about their rights. Children must be given awareness of their rights. The NCERT has done a welcome step in this direction as it has introduced a Chapter in Class VIII Social Science Text Book regarding Children’s Bill of Rights.\textsuperscript{93} It has been seen that children has been subject of various kinds of physical, mental, psychological and sexual abuse in the schools and other institutions and which affect their dignity and worth to live as a human being. Though corporal punishment has been banned by the National

\textsuperscript{91} \textit{Id.}, at 319-330.
\textsuperscript{92} \textit{Id.}, at 291-299.
\textsuperscript{93} For details see Chapter 4, \textit{Supra} note 950.
Commission for the Protection of Child Rights (NCPCR) but still it is practiced in the schools which are matter of serious concern.\(^94\)

So, researcher suggests that there should be provisions in the school curriculum regarding awareness about child rights and the law relating to any type of child abuse so that children should know that there are laws under which they are given protection from any type of abuse. Researcher here wants to mention that upon the recommendations of the Bar Council of India a full-fledged Paper on the Subject “Offences against Children and Juvenile Offences” has been started by some Indian Universities in LL.B. (Three Year Course) and B.A.LL.B. (Five Year Course) which is a welcome trend.\(^95\)

(xi) Training about child rights and protection of children from crimes should be essential pre-requisite of the pre-service and in-service training programmes for police officials, executive officers, judicial officers, law officers, public prosecutors, health workers, teachers and institutional heads managing the children institutions. There should be proper orientation and time framed up-gradation of these types of training programmes. Orientation and sensitization of members and functionaries of rural and local bodies on the issues of child rights and protection of children from crimes is also necessary. Apart from this parent, society, media personnel, NGOs and other agencies working for children rights also require appropriate awareness and training on protection of children from crimes and promotion of their rights.

(xii) It has been seen that when crimes are committed against women attitude of society becomes serious and it gets united on this issue but when crimes are committed against children this type of attitude of society is generally not seen. Through empirical study it has been concluded that society is divided on this issue though majority blamed the societal attitude for growing rate of crimes against children but a considerable section was of the opinion that society’s attitude is serious when crimes are committed against children. Researcher here personally feels that man by nature is very selfish. Generally, people are least concerned when crimes are committed against children of others unless it is committed against their own children. Being a member of society we never think that we owe a duty towards our children and that duty is to protect them from abuse, exploitation and neglect because children due to their age, immaturity, weakness or

\(^94\) For details see Chapter 4, Supra note 961.
\(^95\) For details see syllabus of LL.B. Third Year (6\(^{th}\) Semester) and B.A.LL.B. Fifth Year (10\(^{th}\) Semester) of Hemwati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand.
dependence requires protective umbrella of the society. People generally do not help the child or approach before police or other authorities to help the child because no one wants to get involved in the problems of others. Non-cooperative attitude of police, lengthy court proceedings, witness harassments by the police and lawyers are also some of the reasons why people do not come forward to disclose, cooperate or help when the crimes are committed against children. At the same time if a child is being abused in his family we never care because we do not want to spoil our relations with their neighbours or we think that whatever is happening with children in his/her family it is a personal matter of that family with which we have no concern. We have not seen any mass protests when any child becomes victim of any crime. This is a sort of moral duty rather legal one and moral duties are not enforceable and usually people are least concerned about their duties if even if they are legal.

Researcher is of the view that law is not panacea of all evils and some duties cannot be legally enforceable. So, there has to be change in the mindset of society and society will have to think that children are their assets and they are under duty to protect them from all kinds of harm, abuse, neglect and maltreatment. This is possible only when people are given education about their duties towards family, society and country and these duties should be inculcated in their minds. They will have to understand that if something bad happens with children of someone then it could happen with their own children also; only then people will come forward and protect the children from crimes.

Indian judiciary has done a commendable job in the field of protection of child rights. Honourable Supreme Court of India and different High Courts of the Country following the footsteps of the SC has given remarkable judgments in the context of welfare of children and protection of children from crimes. These Courts have touched almost every aspect of criminal issues related to children be it child rape, child adoption, child labour, child health, child trafficking, child pornography, child prostitution, child abuse, female feticide and so many issues related to violation of child rights and in these judgements respective courts have shown their concern over the rising rate of crime against children. These Courts have given various guidelines to address the issues of crimes against children. Researcher has discussed all leading judgments of the Supreme Court and various High Courts in Chapter-6 of the Thesis.96 No doubt, there are plethora of judgements on the issue of child rights and protection of children from

96 For details see Chapter-6 of Thesis.
crimes but the question is whether directions/guidelines/orders given under these judgements are followed in letter or spirit? The answer is ‘No’ as most of the judgements of these Courts are flouted openly by the States and enforcement authorities. Most of the judgements of the Supreme Court and High Courts have remained a pious wish because State Governments failed to implement the judgements of these Courts as duty to implement lies upon the States which shows that there is lack of strong political will.

So, researcher here suggests that State is a guardian of our lives and it becomes duty of States to adhere the Judgements of the Supreme Court and High Courts related to issues on violation of child rights. Maintenance of law and order is primarily a duty of state and if there a growing incidences of crime against children in the State then it shows the failure of State to protect the children from crimes. So, it requires a strong political will to curb the menace of crimes against children. The wisdom of SC and HC shown in its judgements must be respected by the States and implemented in their true letter and spirit.

(xiv) During study conducted in the State of Punjab researcher found that there is lack of awareness about laws dealing with protection of children from crimes due to which there is increase in the rate of crimes. Sometimes due to ignorance of law relating to child abuse people do not report to the police or approach before the authorities. Though ignorance of law is no excuse but awareness about law is equally important. To address this issue researcher suggests that media can play its effective role in awareness about the laws relating to crimes against children. Media can mobilize public support and involvement for preventing violation of child rights because it has the power to mould public opinion and it is considered as a powerful tool for social change. While addressing awareness about child rights it is equally important that media should be cautious with regard to violation of rights of children. While reporting about child sexual abuse, delinquent children and domestic problems, the secrecy, dignity and privacy of children must be maintained by the media. Mass awareness drives about violation of child rights and protection of children from crimes should be started in television, radio, newspapers, magazines and Internet. Ministry of Women and Child Development must initiate awareness drive through advertisements in television, radio, newspapers, magazines, films and Internet about protection of children from crimes. Now day’s social media like Face book can play its effective role in generating public support to raise their voice against issues of crimes against children. Mobile telecom
companies can play their effective role by sending SMS alerts to their customers regarding awareness of child rights. Similarly, Childline Helpline Number 1098 can also be sent as SMS alert to its customers by the mobile companies.

(xv) During empirical study one of the questions raised by the researcher was that one of the reasons for increase of crimes against children is that children do not come forward to disclose abuse committed against them to anyone because of shyness or fear or shame. Majority of the people agreed that children do not come forward. It is true to some extent as in most of the cases of crimes committed against children especially cases of child sexual abuse remain unreported because children due to fear, shame or shyness never disclose to their parents, relatives and friends that something bad happened with them. Children are very delicate, immature, soft hearted and dependent and due to this nature they require protection from their parents, family, relatives or society. Now days there are cases of child abuse which are reported within the family where father abuses her daughter or family member or neighbour abuses girl children within the family. Sometimes children are being sexually abused in the schools and institutions which are meant for their protection.

So, if children are not protected in their family, schools or in the institutions meant for their protection then there is no place in this world where they are safe. Children are abused because abuser thinks that due to fear, shame or shyness child will not disclose this to anyone. Children do not disclose because they might think that their parents will take it otherwise or will not trust upon them. Sometimes they might think that it they disclose it to their parents then it will hurt them or it will bring bad name to their family. Children also do not disclose the abuse against them because they might think that they would become object of laugh in the eyes of society. Sometimes children might fall prey to the abuser and later on due to shame, fear or shyness they fail to disclose the abuse against them. So, variety of reasons can be cited why children do not disclose that they have been abused by someone. Similar situation arises with parents also. They also do not disclose to anyone or report the incident to police because they think that by doing this their position will lower down in the eyes of society. Sometimes the abuser is high profile person as compared to victim’s parents or family members. Parents might also think that disclosure would amount to ruining the life of their children and it is true in case of

97 See Chapter 7, Statement of Figure No. 7.15.
98 See Chapter 6, Supra notes 333 & 334.
99 Id., Supra notes 326 & 335.
female children because her marriage prospects might get affected if she is being sexually abused in childhood. Instead of helping the victim society further stigmatises the victim and put entire blame upon her.

Researcher is of the view that this is very complex issue which cannot be sorted by law and therefore suggests that for this family ties should be strengthened. In this materialistic world parents do not have time for their children. Being a parent it is our duty to spare time for them and listen to their problems and teach them what is right or what is wrong for them. Parents will have to treat their children as friends so that they should be encouraged to express their views without any fear or shame. Parents have to teach their children that if something inappropriate happens with them in family, school, neighbourhood, or at any other place they must immediately report to them. In Indian society talking about sex is considered as taboo and no family wants to have a talk on this issue with their children. Here mothers can play an effective role and can guide their daughters in appropriate manner about issues related to sex especially in an era where termination of teenage pregnancies are on rise. Being a parent it is our duty to assure our children that we are and will always be with them in their times of distress. Similarly, it is first and foremost duty of parents to protect their children from abuse, neglect, harm or exploitation. And if something bad happens with their children then it is their duty to come forward and raise their voice against it. For parents children should be their first priority than society. They must report to the police or approach before appropriate authorities if something bad happens with their children only then they will be able to justify as parents in front of their children. Last but not the least there should be change in the mindset of the society and this is possible only through education and awareness. Old age prejudices against girl children must be eliminated. Society must think that children require support, help, protection from them and it is their duty to protect them from abuse, exploitation and neglect.

(xvi) The Protection of Children from Sexual Offences Act, 2012 provides for designation of ‘Special Courts’ by the State Governments in consultation with the Chief Justice of High Court to provide for speedy trial of offences against children. For this purpose Session Courts can be designated as Special Courts. This is a welcome step taken under this Act but researcher feels that atmosphere of these courts is of traditional nature and judges also behave in traditional manner which affects the psychology of

\[^{100}\text{Sec. 28 of the Protection of Children from Sexual Offences Act, 2012.}\]
children who are victim of any kind of abuse. He/she could not record his/her statement, could not face the accused and could not answer to the questions posed by the lawyer or by the judge out of fear, shame or shyness. The Apex Court in *Sakshi’s Case*¹⁰¹ laid down guidelines for dealing with cases relating to child sexual abuse. Apart from this various High Courts have also laid down detailed guidelines to be followed by the Magistrate and the Trial Courts while dealing with cases of child sexual abuse.¹⁰² Researcher concludes that these guidelines are sufficient if they are followed by the lower courts in their letter and spirit.

So, researcher here suggests that designation of Court of Session as a ‘Special Court’ for speedy disposal of the cases relating to offences against children is a welcome step but atmosphere inside the Court should be child friendly which means that children should never feel at any stage of the proceedings in the court that he is in court. For this Judge, advocate, police should be in civil dress and trial should be conducted in separate room which does not give resemblance of court. Preferably, trial must be conducted in the court of women judge. It should not be an open trial and there should not be any member of public or media inside the room so that child should not feel uneasy. Researcher is aware that it requires infrastructure which is not easy task in country like India where Courts are held in open without any roof and where there is acute shortage of judicial officers what to talk about women judges? But something has to be done by the State Governments in this regard.

(xvii) Children are dealt under the Ministry of Women and Child Development which was earlier known as the Department of Women and Child Development set up in the year 1985 as a part of the Ministry of Human Resource Development to give the much needed impetus to the holistic development of women and children. With effect from 30.01.2006, the Department has been upgraded to a Ministry. The broad mandate of the Ministry is to have holistic development of Women and Children. As a nodal Ministry for the advancement of women and children, the Ministry formulates plans, policies and programmes; enacts/amends legislation, guides and coordinates the efforts of both governmental and non-governmental organisations working in the field of Women and Child Development. For the holistic development of the child, the Ministry has been implementing the world’s largest and most unique and outreach programme of Integrated Child Development Services (ICDS) providing a package of services

¹⁰¹ See Chapter 6, *Supra* note 319.
¹⁰² *Id., Supra* notes 336, 369, 378 & 386.
comprising supplementary nutrition, immunization, health check up and referral services, pre-school non-formal education. There is effective coordination and monitoring of various sectoral programmes.\(^{103}\)

Researcher here suggests that there should be a separate “Ministry of Child Protection and Development” to deal exclusively with regard to promotion and protection of children. So far as criminal issues related to children are concerned, they are being dealt by the Ministry of Home Affairs. This separate Ministry would lessen the burden of Ministry of Women and Child Development and would devote its energy towards children only. Then the National Commission for Protection of Child Rights (NCPCR) would work as autonomous organisation under this Ministry as right now it is working as one of the six autonomous organisations of Ministry of Women and Child Development.

(xviii) Researcher here wants to give some more suggestions and one of the suggestions is that there should be online national data (including their photographs and fingerprints) of all persons accused/convicted of committing crimes against children so that general public be aware of these persons. Identity of the persons accused or convicted of committing offences against children should be disclosed publically.

(xix) Another suggestion is that any person working in government or semi-government service of any kind found guilty of committing sexual abuse against children should be terminated from service forfeiting all service benefits. This will create a fear in the mind of those persons who abuse children by taking advantage of their position.

(xx) Further, State of Punjab is traditionally a male dominated society having traditional bias against the girl children do not easily accept that girl would come on equal footing with them. So, there is need to raise awareness in the masses about the need to educating girl child, evils of pre-natal sex determination and female feticide, violence including sexual violence and abuse against girl children. Constant discriminatory social attitudes and harmful practices towards girl children make them vulnerable to all types of abuse, neglect and violence and limit their development and threaten their very survival which is a very serious concern and this need to be addressed on priority basis.

(xxii) Further, a strong political will is necessary to combat crimes against children. During empirical study majority of the people agreed that there is a lack of strong political will

to prevent crimes against children because children are not vote bank of politicians.\textsuperscript{104} This is not healthy trend though it is true that children are not vote bank of politicians but does it mean that they should do nothing to protect children from crimes. State must play its positive role towards children and State functions through elected representatives of people and if they are not serious against children then who will come forward for their rescue and protect them from crimes? Laws relating to welfare and protection of children are made in abundance by the Parliament of India and the State Legislatures but due to lack of strong political they remain on the papers and are not implemented. Bureaucracy is also responsible to some extent with regard to non-implementation of laws and policies relating to children. Children were declared as supreme important ‘National Assets” in 1974’s National Policy on Children.\textsuperscript{105} But this national asset has been subject of variety of abuse, exploitation, maltreatment and neglect then what is the use of making these policies, programmes and laws relating to welfare and protection of children if they are not going to be implemented? Something has to be done in this direction otherwise the day is not far when we will lose our national asset and that day will be the last day of the humanity because crime against children is crime against god because children are considered as god. Children are an asset for any society so it is the sacred responsibility of the society to ensure the proper development of its children. Society has no greater source of wealth than its children. A society that consistently ignores the welfare of millions of its children is committing slow suicide.\textsuperscript{106}

Crimes against children should be taken as crimes against humanity and protection of children from crimes is collective responsibility of the state, family and society. It requires a concerted effort on the part of every member of society and it should start from family which is the basic unit of the society and has the primary responsibility to provide care and protection of children. Being an important member of civilized society we must fulfill our duty towards children by providing them a conducive environment to develop his/her physical, mental, moral and spiritual personality. It is our duty to give them a world free from hate, neglect, violence and abuse. In India, much work has been done by the government regarding welfare of children and protecting them from crimes, but still lot more has to be done in practice for proper enforcement of the rights of children and effective implementation

\textsuperscript{104} See Chapter 7, Statement of Figure No. 21.  
\textsuperscript{105} See Chapter 3, Supra Note 146.  
of laws, policies and programmes relating to protection, survival and welfare of children. So, let us make a peaceful world for a child that is free from fear, hate, neglect, violence, abuse and crime. As rightly said by the great Tamil Saint Thiruvalluvar: “The touch of children is the delight of the body; the delight of the ear is the hearing of their speech.” 107