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**CRIMES AGAINST CHILDREN IN INDIA: AN OVERVIEW****Sunilkumar M Kamalapur And Anilkukmar Manik**

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**Abstract:** Generally, the offences committed against children or the crimes in which children are the victims are considered as Crime against Children. Indian penal code and the various protective and preventive 'Special and Local Laws' specifically mention the offences wherein children are victims. The age of child varies as per the definition given in the concerned Acts and Sections but age of child has been defined to be below 18 years as per Juvenile Justice (Protection and Care of Children) Act, 2000. Paper analysis number crimes against children, programmes and policies and constitutional provisions for children.

**Keyword:** Children, Policies, Crime, Law.

**INTRODUCTION:**

Children get involved in situations of crime as victims or as offenders and both are equally of grave concern. These are serious issues which demand immediate attention of law makers, law enforcers, social activists and Society as a whole. The national Crime records Bureau (NCRB), under the Ministry of Home Affairs collects and publishes data on crime against children and juvenile delinquency on the basis of administrative records. These reports show the increasing trend in the incidences of both 'Crime against children' and 'Crime committed by children'. Children being the most vulnerable section of the Society, are easy to intimidate, easy to hush up, and thus they become unfortunate victims of Crime. There could be many reasons which drag children into committing crime, like poverty, illiteracy, circumstances, drug and alcohol abuse etc. This Chapter presents the analysis based on Statistics on Crime against Children and Juvenile delinquency.

**Status of Crimes against Children in India****Table.1 Crimes against Children in India 2009-2011**

SL. No	Crime Head	Year			%variation in 2011 over 2010
		2009	2010	2011	
01	Murder	1488	1408	1451	3
02	Infanticide	63	100	63	-37
03	Rape	5368	5484	7112	30
04	Kidnapping & Abduction	8945	10670	15284	43
05	Foeticide	123	111	132	19
06	Abetment of Suicide	46	56	61	9
07	Exposure & Abandonment	857	725	700	-3

08	Procurement of Minor Girls	237	679	862	27
09	Buying of girls for Prostitution	32	78	27	-65
10	Selling of girls for Prostitution	57	130	113	-13
11	Other Crimes (including Prohibition of Child Marriage act 2006)	6985	7253	7293	1
<b>Total</b>		24201	26694	33098	24

Source: Crime in India 2011

It is alarming that, in 2011, the Crimes against children reported a 24% increase from the previous year with a total of 33,098 cases of crimes against Children reported in the country during 2011 as compared to 26,694 cases during 2010. The State of Uttar Pradesh accounted for 16.6% of total crimes against children at national level in 2011, followed by Madhya Pradesh (13.2%), Delhi (12.8%), Maharashtra (10.2%), Bihar (6.7%) and Andhra Pradesh (6.7%) In 2011, among the IPC crimes, an increase of 43% was registered in Kidnapping and Abduction, while rape cases were increased by 30%, Procurement of minor girls recorded an increase of 27% and Foeticide reported an increase of 19% over 2010. In 2011, Buying of girls for Prostitution showed a decline of 65%, and selling of girls for Prostitution reported decline of 13% compared to 2010. Infanticide showed a decline of 37 points during this period.

Even with the prevailing perception of under reporting in crime data, it is alarming to note that, a total of 15282 cases of kidnapping & abduction of children were reported during the year 2011 as compared to 10670 cases in the previous year. Uttar Pradesh (3739) followed by Delhi (3528) has accounted for 24.5% and 23.1% respectively of the total kidnapping and abduction cases reported in the Country. Further shocking is that, a total of 7112 cases of Child rape were reported in the Country during 2011, as compared to 5484 in 2010. Madhya Pradesh has reported the highest number of child rape cases (1262) followed by Uttar

Pradesh (1088) and Maharashtra (818). These three States together accounted for 44.5% of the child rape cases reported in the Country in 2011. A total of 132 cases of foeticide were reported in 2011, of which the highest number registered from Madhya Pradesh, followed by Chattisgarh and Punjab and these States together reported 56% of the total Foeticide registered in 2011 in the Country. The 27% increase in the Crime of Procurement of Minor Girls (862 cases in 2011 compared to 679 cases in 2010) is also very disturbing. West Bengal has reported 298 such cases, indicating a share of 34.6% at national level followed by Bihar (183), Assam (142) and Andhra Pradesh (106).

Though, notable decline was reported for the Crimes, 'buying of girls for prostitution' and 'selling of girls for prostitution', it may be noted that, majority of those cases were rigorous in a few States. Maharashtra accounted for 74% of the total 27 cases of 'buying of girls for prostitution' and West Bengal has accounted for 77% of the total 113 cases of 'selling of girls for prostitution'. A total of 113 cases under prohibition of Child Marriage Act 2006 were reported in the country out of which highest were reported in West Bengal (25), followed by Maharashtra(19), Andhra Pradesh(15), Gujarat(13) and Karnataka(12).

Considering all the Crimes against children, the Crime rate (ratio of number of crimes to population) has marginally increased from 2.3 in 2009 to 2.7 in 2011. The rate was highest in Delhi (25.4) followed by A & N Islands (20.3), Chandigarh (7) and Chattisgarh (7), Madhya Pradesh (6) and Goa (5.1).

#### Disposal of crimes against children by Police and courts

The average charge sheeting rate for all the Crimes against children was 82.5% in 2011, which was the same in 2010 as well. The highest charge sheet rate was observed in cases under 'Buying of girls for prostitution' (100%) followed by 'Rape' (97.3%) in comparison to the prevailing national level charge sheeting rate of 78.8% for the IPC Crimes and 93% for SLL Crimes. The lowest charge sheet rate was found in cases of 'Foeticide'. The Conviction rate at national level for the crimes committed against children stood at 34.6%. The conviction rate for 'infanticide (other than murder)' was highest at 46.9% followed by cases under 'murder' (45.5%).

#### Human Trafficking

Human trafficking is a group of Crimes involving the exploitation of men, women and children for financial gains which is violation of fundamental human rights. A number of IPC Crimes (Procurement of Minor Girls, Importation of girls, Selling of girls for prostitution, Buying of girls for prostitution), SLL Crimes (Immoral Trafficking Prevention Act- 1956, Child marriage restraint Act- 1929) and violation of some legislations (Bonded Labour system (Abolition) Act 1976, Juvenile Justice (Care and Protection of Children) Act 2000, Child Labour Prohibition and Regulation Act 1986, Transplantation of Human organs Act 1994) form part of offences under human trafficking. The discussions below will be based only on a few major crimes of human trafficking for which National Crime Record's Bureau (NCRB) is collecting data.

The trend in human trafficking cases reported under the above heads during 2006-2011, shows an overall declining trend, with year to year variation. From nearly 5000 cases in 2006, it declined over the years, touching the lowest in 2009 (2848 cases) increased to 3422 cases in 2010, and 3517 cases in 2011. There is an increase of 20.15% in 2010 compared to 2009 while the percentage increase in 2011 compared to 2010 was 2.8%. Though an overall declining trend was observed during 2006 – 2011, the increasing trend in 2009-2011 is a matter of concern.

In 2011, 69% of cases of human trafficking are cases booked under Immoral Traffic (Prevention) Act 1956, though there is a decline of 2.6% in 2011 compared to 2010. Andhra Pradesh accounted for 20.4% and Tamil nadu accounted for 17.2% cases of cases under this category, in 2011. An increase of 122.2% has been observed in cases of 'importation of girls' during 2010-11, and 56% of these cases reported in 2011 are from Madhya Pradesh.

**Table:2. Incidence of Human Trafficking during 2006-2011**

SL.No	Crime Head	Number of cases per year						Percentage Variation in 2011 over 2010
		2006	2007	2008	2009	2010	2011	
01	Procurement of Minor Girls	231	253	224	237	679	862	27.0
02	Importation of Girls	67	61	67	48	36	80	122.2
03	Selling of Girls for Prostitution	123	69	49	57	130	113	-13.1
04	Buying of Girls for Prostitution	35	40	30	32	78	27	-65.4
05	Immoral Traffic	4541	3568	2659	2474	2499	2435	-2.6
	<b>Total</b>	<b>4997</b>	<b>3991</b>	<b>3029</b>	<b>2848</b>	<b>3422</b>	<b>3517</b>	<b>2.8</b>

Source: Crime in India 2011

#### Categorization of Crimes against children

The cases in which the children are victimised and abused can be categorized under two broad sections: Indian Penal Code (IPC) and Special and Local Laws(SLL).

#### Specific Sections/Acts under IPC are:

- Murder (302 IPC)
- Foeticides (Crime against a foetus) (Section 315 & 316 IPC).
- Infanticides (Crime against newborn child) (0 to 1 year) (Section 315 IPC).
- Abetment to Suicide (abetment by other persons for commitment of suicide by children) (Section 305 IPC).
- Exposure & Abandonment (Crime against children by parents or others to expose or to leave them with the intention of abandonment) (Section 317 IPC).

f) Kidnapping & Abduction:

- i) Kidnapping for exporting (Section 360 IPC).
- ii) Kidnapping from lawful guardianship (Section 361 IPC).
- iii) Kidnapping for ransom (Section 364-A IPC).
- iv) Kidnapping for camel racing etc. (Section 363 IPC).
- v) Kidnapping for begging (Section 363 - A IPC).
- vi) Kidnapping to compel for marriage (Section 366 IPC).
- vii) Kidnapping for slavery etc. (Section 367 IPC).
- viii) Kidnapping child for stealing from its person (under 10 years of age only (Section 369 IPC).

g) Procurement of minor girls (for inducement to force or seduce to illicit intercourse)

(Section 366-A IPC).

h) Selling of girls for prostitution (Section 372 IPC).

i) Buying of girls for prostitution (Section 373 IPC).

j) Rape (Section 376 IPC)

Specific Sections/Acts under SLL are:

a) Immoral Traffic Prevention Act, 1956 (where minors are abused in prostitution).

b) Child Labour (Prevention & Regulation) ACT, 1986.

c) Prohibition of Child Marriage Act 2006

#### **National Policies and Programmes for Children**

Further, the Nation is implementing a number of Child centric policies addressing the issues of Child Survival, Child Development and Child Protection. The important among them are,

1. National Policy for Children 1974 is the first policy document concerning the needs and rights of children. It recognized children to be a supremely important asset to the country. The goal of the policy is to take the next step in ensuring the constitutional provisions for children and the UN Declaration of Rights are implemented. It outlines services the state should provide for the complete development of a child, before and after birth and throughout a child's period of growth for their full physical, mental and social development.

2. National Policy on Education, 1986 was called for "special emphasis on the removal of disparities and to equalize educational opportunity," especially for Indian women, Scheduled Tribes (ST) and the Scheduled Caste (SC) communities. To achieve these, the policy called for expanding scholarships, adult education, recruiting more teachers from the SCs, incentives for poor families to send their children to school regularly, development of new institutions and providing housing and services. The NPE called for a "child-centered approach" in primary education, and launched "Operation Blackboard" to improve primary schools nationwide.

3. National Policy on child Labour, 1987 contains the action plan for tackling the problem of child labour. It envisaged a legislative action plan focusing and convergence of general development programmes for benefiting children wherever possible, and Project-based plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour.

4. National Nutrition policy, 1993, was introduced to combat

the problem of under - nutrition. It aims to address this problem by utilizing direct (short term) and indirect (long term) interventions in the area of food production and distribution, health and family welfare, education, rural and urban development, woman and child development etc.

5. National Population Policy 2000: The national population policy 2000 aims at improvement in the status of Indian children. It emphasized free and compulsory school education up to age 14, universal immunization of children against all vaccine preventable diseases, 100% registration of birth, death, marriage and pregnancy, substantial reduction in the infant mortality rate and maternal mortality ratio etc.

6. National Health Policy 2002: The main objective of this policy is to achieve an acceptable standard of good health amongst the general population of the country. The approach is to increase access to the decentralized public health system by establishing new infrastructure in deficient areas, and by upgrading the infrastructure in the existing institutions. Overriding importance is given to ensuring a more equitable access to health services across the social and geographical expanse of the country.

7. National Charter for children (NCC), 2003 highlights the Constitutional provisions towards the cause of the children and the role of civil society, communities and families and their obligations in fulfilling children's basic needs. Well-being of special groups such as children of BPL families, street children, girl child, child-care programmes, and educational programmes for prevention from exploitation find special mention in the NCC. It secures for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation. The Charter provides that the State and community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children. For empowering adolescent, the Charter states that the State and community shall take all steps to provide the necessary education and skills to adolescent children so as to equip them to become economically productive citizens.

8. National Plan Of Action For Children (NPA), 2005 was adopted by Government of India in the pursuit of well-being of children. NPA has a significant number of key areas of thrust out of which the one's relating to child protection are:

- Complete abolition of female foeticide, female infanticide and child marriage and ensuring the survival, development and protection of the girl child,
- Addressing and upholding the rights of children in difficult circumstances,
- Securing for all children legal and social protection from all kinds of abuse, exploitation and neglect.

The various Schemes / Programmes are implemented by different Central Ministries, following the guidance of the national policies. They are aiming to tackle the issues relating to the overall welfare of children work independently as well as hand in hand. The State/ UT



Governments also execute numerous programmes from time to time for improving the lot of children.

#### CONCLUSION:

It is alarming that, in 2011, the Crimes against children reported a 24% increase from the previous year with a total of 33,098 cases of crimes against Children reported in the country during 2011 as compared to 26,694 cases during 2010.

The State of Uttar Pradesh accounted for 16.6% of total crimes against children at national level in 2011, followed by Madhya Pradesh (13.2%), Delhi (12.8%), Maharashtra (10.2%), Bihar (6.7%) and Andhra Pradesh (6.7%).

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The States of Uttar Pradesh and Delhi together accounted for 47.6% kidnapping and abduction of children reported in the Country.

The States of Madhya Pradesh, Uttar Pradesh and Maharashtra together accounted for 44.5% of the child rape cases reported in the Country in 2011.

A total of 132 cases of foeticide were reported in 2011, of which the highest number registered from Madhya Pradesh, followed by Chattisgarh and Punjab and these States together reported 56% of the total Foeticide registered in 2011 in the Country.

An increase of 27% is observed in the Crime of Procurement of Minor Girls, ie. 862 cases in 2011 compared to 679 cases in 2010. West Bengal has reported 298 such cases, indicating a share of 34.6% at national level followed by Bihar (183), Assam (142) and Andhra Pradesh (106).

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committed against children stood at 34.6%. The conviction rate for 'infanticide (other than murder)' was highest at 46.9% followed by cases under 'murder' (45.5%).

During 2006-2011, the trend in human trafficking cases reported under the heads of 'Procurement of Minor Girls, Importation of girls, Selling of girls for prostitution, Buying of girls for prostitution Immoral Traffic (Prev.) Act', shows an overall declining trend, with year to year variation. From nearly 5000 cases in 2006, it declined over the years, touching the lowest in 2009 (2848 cases) increased to 3422 cases in 2010, and 3517 cases in 2011.

In 2011, 69% of cases of human trafficking are cases booked under Immoral Traffic (Prevention) Act 1956, though there is a decline of 2.6% in 2011 compared to 2010. Andhra Pradesh accounted for 20.4% and Tamil nadu accounted for 17.2% cases of cases under this category, in 2011.

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The situation analysis of crime & children as presented here, puts forward a few upsetting revelations about the child victims as well as child offenders, which points out to the vulnerable conditions of children that need to be addressed urgently especially poverty.

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