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### RESEARCH ARTICLE

#### UNDERSTANDING CHILD ILL-TREATMENT AND REPORTING IN INDIA.

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#### Abstract

A child is the best sort of gift imaginable. Every child deserves love, care, protection, education and a legacy of all the moral values which they'll be passing on to their young ones someday. These are some of the mandatory requirements that parents or care givers need to provide to their children, failing to do so makes a child vulnerable to abuse. If parents, guardians or primary caregivers fail to provide a protective environment then being part of this civilized society it's our responsibility to protect the child from such horror and report the failures. Injuries might vary from child to child but any trauma due to abuse explains itself. Dentists and other health professionals can easily highlight many of these traumas during the regular check-ups. The following information specifically emphasizes on the evolution of the Law and Order since first case till today, why is it necessary to report a case, how such cases can be reported, Laws protecting the children, Governmental and Non-Governmental organizations working for the protection of children. "One can spend a lifetime trying to forget a few minutes of his childhood" therefore the objective of this paper is to spread awareness in communities in order to protect children and their childhood.

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#### Introduction:-

Child abuse in India has become the most heart wrenching topic. The sufferings, traumas and travails of children who are being exploited physically, sexually, emotionally in our so-called civilized society. It has no boundaries. They are being trampled under the heavy feet of cruel and callous people for their vested interest and monitoring gains. But is it all that we need to assess if the child is being abused? It all starts when we neglect the child and his/her daily activity.

Neglecting the child means is also a kind of abuse to them. If one has to put a stop there and then no child will be maltreated. Maltreated child can be observed by anyone around his/her. It is seen that mostly physically abused children have certain oro-facial injuries, which can be observed by looking at them carefully. These traumas can also affect the psychology of the child which gets more promising while observing the child behavior or while having a conversation with them. Observer can be anyone who has a close interaction with children, they can be parents, teachers, health professionals, caretakers or even their friends.

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**History:-**

There is a long history behind *child abuse*. Since many years' children have suffered child abuse and have been victimized by their parents or other adults. From decades and decades certain laws have proved a failure in order to protect a child from abuse. Until the late 1800s, under English common law children were treated as the property of their fathers, as women were treated as the property of their husbands. During the 16th and 17th centuries American colonists had a strong belief in the notion of children being property of their fathers to the early years of the United States.

In the early 1870s, 8-year-old Mary Ellen Wilson was the first orphan girl who was blessed to gather the country's attention towards her daily suffering and beatings at her foster home. As at that time there were no ears to listen too and to protect the abused children, the orphan's pain was felt by the attorneys of the American Society for the Prevention of Cruelty to Animals (ASPCA). The argument put forward by these attorneys were quite plain that the laws protecting animals from abuse should not be greater than laws protecting children. Eventually after a legal recourse, Mary Ellen Wilson mother was convicted for assault and battery by the judge and was sentenced for 1 year of imprisonment. The entire judicial and public involvement in child abuse matter was enough to encourage citizens to form New York Society for the Prevention of Cruelty to Children.

Once again in 1962, child abuse was brought to light by an article published in the Journal of the American Medical Association describing the symptoms of child abuse and deemed child abuse to be medically diagnosable. Within 10 years, every state had statutes known as "mandatory reporting" laws. Professionals, such as doctors and teachers, when report suspected child abuse to the state child protective services agency or other proper authorities, is known as 'Mandatory Reporting'.

**Types Of Child Abuse: -**

1. Physical child abuse – it's an injury resulting from any kind of physical aggression. Even the injury is without any intension, the act will be considered as physical abuse.
2. Sexual abuse - It includes, where an adult uses the child for sexual needs. Any kind of touching to fondling of breasts, buttocks, genitals, oral sex, sexual intercourse or an adult exposing in front of a child and seek them to touch an adult. Or using the child for pornographic use.
3. Emotional Abuse - It occurs when the child's emotional, psychological and social well-being is battered. Rejecting the needs of the child, degrading and discriminating them are all part of emotional abuse of a child.
4. Neglecting – failure to provide the child with the basic needs like food, shelter or clothing etc. Not providing the child with the medical facilities when needed, or abandoning the child is a complete behaviour of neglecting a child.



Emotional abuse



Physical abuse



Verbal abuse

**Signs Of A Child Being Unsafe/Maltreated :-**

1. Mostly children avoid any sort of contact with any adult.
2. They seem to be afraid or frightened of even their parents.
3. There are frequent behavioural changes, sometimes the child is aggressive, sometimes he or she can be completely silent.
4. A moment of neglect, feeling of not being loved or cared for, not being able to share his/her thoughts or not being able to talk about their feelings due to lack of trust, damages the innocent soul and makes them feel unsafe.
5. When the surrounding of the child gets judgemental in terms of gender, ability, intelligence, colour, looks, language, race, nationality, religion or in any other form.

6. When a child is psychologically harassed or tortured OR even witnessing mental torture-abuse-harassment makes them weak.
7. Sometimes they are too much demanding.
8. Parents also become over protective and shows unusual behaviour towards their young ones.
9. Children can even lie about their fake illness to avoid school or any public place.

These signs can be seen by any individual who is around the child most of the time. But some signs can only be noticed by a general practitioner, dentist or any health professional.

#### **Clinical examination:-**

In most cases to begin with the clinical examination of a child one should start in a systematic order, as most of the injuries in physical abuse can be oro-facial

1. There can be scars from traumas which could be seen on the lips of a child.
2. There are unusual burn marks from any kind of heated instrument.
3. The bruises can be seen on the palate area which can be due to force oral sex {fellatio}. Marks are evident on the junction of hard and soft palate.
4. Irregular contusions can be there intraorally.
5. Fractured tooth or teeth OR dark discoloration of tooth or teeth, indicating the non-vitality of the intraoral hard tissue.
6. Swelling can be seen on the orofacial area due to certain laceration and contusions.
7. Scars and abnormal movement of tongue could be seen evidently
8. Burns in the mouth from household products containing caustic substances such as sodium hydroxide and sulphuric acid or scalding liquid {hot boiling water or steam, which can cause 2<sup>nd</sup> degree burns when having a prolonged contact}.
9. Fractures could be seen on recent radiographic examination.
10. Injuries, bruises on the soft tissue of the cheeks.
11. Scars and blunt injuries on the inner thighs.
12. Bite marks and injuries on the upper arm.

These signs make any health professional suspicious about a child being maltreated by someone around by him/her. Why is it important to report such cases of child abuse?

It becomes very important to report such cases as to prevent the child from any further abuse. If such case is not reported the child may get maltreated for rest of his/her lives. Giving any child a safe and good environment to live in, is a duty of every citizen and every human being. Children should get a happy childhood to become a responsible adult. The reporting of such cases of child abuse becomes ethical.

But it also become important because as per law under “Section 21” (A) of Protection of children from sexual abuse (POCSO) Act 2012, it becomes mandatory to report cases of child sexual abuse including parents, doctors, school personnel. And if someone fails to report the case to the commission, he/she might get punished with imprisonment of either description, which may extend up to 6 months or with fine or with both.

#### **How to report?**

Reporting in India can only be through lodging a complaint in a police station. The reporting can be done by anyone who is suspicious of child abuse to any child abuse.

For reporting the Complainant requires specific details of the child who is being abuse. Specific names, age, gender, home address, parents/guardians who is responsible for the care of the child. Whereabouts of the child where he/she is being abused and other information which can be useful for the police person to investigate the further case.

A health professional can also file a complaint if he/she finds any kind of suspicious injury or injuries on the child, he/she needs to attach the prescription with the written complaint and radiographic or photographic evidence. Police person are legally bound to address child abuse complaints immediately within the period of 24 hours.

There are special courts which deal with the cases of crime against children/women. Special courts work on the case and has to give decision in within 6 months.

There are such committees like Child Welfare Committee {CWC} who are reported with the cases of child abuse and neglecting child care by police, court and they provide protection shelters for the children who have undergone such traumas. Nowadays state/district counsellors are available for the counselling of the victim and their situation. The information gathered by such counsellors for example, name of the victim, name of the complainant and their personal whereabouts are remained confidential under the guidelines of *SUPREME COURT*.

Under the law stated by Child Protection Act 2004, it is important to protect a child who is going through such cruelty, under 'Section 6' it is a duty to report need for care and protection. Under 'Section 9' cruelty to child. Under 'Section 11' warrant to search for and remove the child.

For sexual offences against children Protection of Children from Sexual Offences {POCSO} Act 2012, helps in reporting such cases. It is stated under 'Section 19', "any person including the child who has apprehension that an offence under this act is likely to be committed or has knowledge that such an offence has been committed, shall provide such information to special juvenile police unit or local police".

The special juvenile police unit or local police shall without any delaying the matter, but within the period of 24 hours report to the CWC and special Court. Where special Courts are not available such cases are reported in Session Courts.

Under 'Section 21' failure to report or record such offences under 'Sub Section 19' shall be punished with imprisonment or either fine or with both.

#### **Helplines and NGO's: -**

Child helpline no. which acts in 450 locations all over India is 1098. This child line helps the children who are going through any kind of child abuse.

NCPCR—National Commission for Protection of Child Rights in India are responsible for protection and care in children under the age group of 18.

Non-Government Organizations which help children in their protection, education and basic needs including medical expenses are increasing day by day. For example,

1. ARPAN
2. CRY—Child Rights and You
3. Genesis Foundation
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