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ABSTRACT

“The present research paper deal with the save a childern under the POCSO in India. In India the act was dealing sexual assault, sexual harassment, pornography. The researcher analysis the data NCRB and SCRB data and many articles, leading cases etc. The sexual crime in India was increased. The Pocso act also Protect the child and girl child in India. POCSO act main aim to protect the child in states in India. The child protect in our society”.

Keywords: Sexual Haressment, Sexual Assault, Pornography, Portect children, Sexual offence.

1. INTRODUCTION:

The constitutional development are increase day by day. The original version of Article 45, which stipulated that all children must be free and compulsory until they become 14 years old, was the vision of the founding fathers of the Indian Constitution. This was presented as the state's Directive Principle. Universal elementary education was destined to remain an unfulfilled promise while being considered to be essential to state government but lacking sufficient social will and apathy. In the Mohini Jain case, the right to life was recognized as a component of the right to a decent existence due to the judicial activism in interpreting the directives into fundamental rights, particularly the right to life under Article 21¹. Court rulings have taken into account the links between education and the preservation of the environment, the elimination of untouchability, the use of child labor and prostitution, and the advancement of secularism. the right to preserve writing, language, and culture Article 29 guarantees linguistic and religious minorities the freedom to form schools of their choosing Private educational institutions have been established to support state attempts to provide compulsory basic education. These institutions are based on Article 30 and the freedoms of

¹ Available at <https://indiankanoon.org/doc/40715/> visited on 10-06-2024

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religion and business. In case² it was emphasized that parents have a responsibility to see to their children's education once they remove them from dangerous jobs. Subject to the state's capacity, the adult members were entitled to employment opportunities; but, if they did not take their children to school, they would lose this right. The court noted that "if the child would not be sent by the parent or guardian for education, the employment given or payment made would cease to be operative." Although this discusses the responsibility of parents, the court also recognizes the obligation of employers to engage children in non-hazardous labor, to modify working hours to facilitate children's education, and to carry out the task of education. *Union of India v. Bandhya Mukti Morcha*³ The court emphasized the need of primary education being required in order to end child labor. "A child is not someone's property; they belong to neither their parents nor even to society. Their sole belonging is to their own liberty. Children are legally not allowed to make decisions for themselves because they are minors. Rather, individuals endowed with authority such as parents, caregivers, social workers, educators, youth workers, and others make these choices. Most people think that the state leaves them defenseless and provides them too little control over their own life. Children's rights are their human rights, and they call attention to the extra protection and care that minors get. Many government laws have been put in place to conceal the ways in which adults mistreat and exploit children, which causes a loss in the integrity of children and ultimately results in poverty, a lack of education, or even their denial of it. According to this perspective, children are seen as a minority group whose treatment by society needs to be reconsidered. The beneficiaries of welfare programs were children. The idea of children's rights first appeared in the 20th century. Strictly speaking, rights are substituting wellbeing. It, in fact, was a noteworthy strategy. Requirements with objectives and duties are known as rights. The main components of these are empowerment, protection, equity,

² M.C. Mehta vs State of T.N.AIR 1997 SC 699.

³ Bandhya Mukti Morcha vs Union of India, AIR 1997 (10)SCC 549.

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nondiscrimination, and social justice⁴. The United Nations Conventions on the Rights of the Child, which were adopted in 1989 and represent a significant milestone in international human rights law, reflect the rights viewpoint. The widely held belief that younger children are more susceptible to physical and psychological harm is quite compelling in most societies. The majority of children's activities are controlled by their age limits, which include when they can start school, get married, become adults in the eyes of the criminal justice system, start working, and enlist in the military, among other things. However, the age restriction varies by activity and by nation. The Child Labor (Prohibition and Regulation) Act of 1986 and the Indian Constitution⁵, a person who is younger than 14 is considered a "child." According to the most recent amendment to the Juvenile Justice Act of 2015, minors (16–18 years old) who commit horrible crimes like rape, acid attacks, murder, etc., may be treated as adults. The children of India held the future of the country in their hands, and the framers of the Constitution knew this. Concerned about providing for the children's safety was their worry. They understood protection to include rights preservation, bodily protection, mental protection, and dignity preservation, among other things. The Constitution had numerous clauses pertaining to the welfare of children. There have been several laws, initiatives, programs, etc. introduced to enhance the provisions of the constitution.

1.2. INDIAN CONSTITUTIONAL PROVISIONS THAT PROTECT CHILDREN'S RIGHTS

Children's rights and protection are guaranteed by the constitution through its several sections. Children require extra care and protection due to their immaturity and sensitive age⁶. Both nationally and internationally, they are acknowledged for certain legal

⁴ Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups> visited on 10-06-2024

⁵ Available at <https://clc.gov.in/clc/acts-rules/child-labour-prohibition-and-regulation-act-198620prohibit%20the,children%20in%20certain%20other%20employments> Visited on 01-07-2024.

⁶ Available at [https://www.makkalahakku.com/childrens-rights-according-to-the-20equality%20\(Article%2014,bonded%20labour%20\(Article%2023\)](https://www.makkalahakku.com/childrens-rights-according-to-the-20equality%20(Article%2014,bonded%20labour%20(Article%2023)). Visited on 02-07-2024.

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entitlements and rights. A large number of articles in the constitution address children's rights, including their right to liberty and development during childhood, their right to free and compulsory education, the prohibition against discrimination in educational settings, and their inability to work in dangerous environments such as mines or factories.

1.3. THE LEGAL PROVISIONS

Within the legal provisions pertaining to the rights of children found in the Indian Constitution, there exist:

1.3.1. THE ARTICLE 14 EQUALITY RIGHT

This article states that a state cannot refuse anyone inside the borders of India the equal protection of the law or equality before the law. Any Indian citizen, including minors, must have equal protection under the law and be treated equally before it, free from bias or arbitrary application⁷. The Indian Constitution guarantees children's rights to ensure that their innocence and self-respect are not violated. In Indian society, there is a greater likelihood of children who are vulnerable being treated unfairly. Discrimination is forbidden under Article 15 of the Indian Constitution. As stated in Article 15(3), the State is free to create any unique provisions for women and children. Article 15(3) makes it quite evident that the term "special provision" does not imply unfair treatment; rather, it refers to measures put in place for the welfare and growth of Indian children.

1.3.2. THE RIGHT TO EDUCATION (ARTICLE 21A)

This article states: "The State shall, in accordance with such manner as the State may by law determine, provide free and compulsory education to all children between the ages of six and fourteen." Article 21A was added to the Constitution by the Constitution (Eighty-sixth Amendment) Act, 2002, affirming that all children between the ages of six and fourteen have the fundamental right to free and compulsory education. Raising the standard of education for every child in the state has faced numerous challenges. For the same, there are numerous

⁷ Available at <https://vikaspedia.in/education/child-rights/understanding-child-rights> visited on 02-07-2024.

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explanations⁸. Article 26 of the Universal Declaration of Human Rights and Articles 13 and 14 of the International Covenant on Economic, Social, and Cultural Rights both represent the right to education in international law. The most significant thing about these articles is that they guarantee education to all children, regardless of gender, caste, religion, or socioeconomic status. This article ensures that every child receives their fundamental education. Elementary education will be available to all.

1.2.3 THE EMPLOYMENT OF CHILDREN IN FACTORIES IS PROHIBITED UNDER ARTICLE 24

Any youngster under the age of fourteen is not permitted to work in a mine, factory, or other dangerous job, according to this article. Construction and railroad work are examples of hazardous conditions. No work is prohibited by this article; it is innocuous. The regulations governing child labor in India are outlined in this article. Child labor is described as any employment that jeopardizes a child's physical and mental development and robs them of their youth, potential, and dignity. India, with its enormous population, is estimated by UNICEF to have a high prevalence of child laborers. Following its liberation from colonial control, India enacted numerous laws against child labor and safeguards under the constitution.

2. STATE POLICIES' DIRECTIVE PRINCIPLES

The state's responsibility for safeguarding children's rights is outlined in numerous laws found in the Directive Principles of state policies. A few guiding principles of the state's policy are outlined in Article 39. According to Article 39(e), no one's age or strength should be pushed to choose a career that is inappropriate for them due to financial hardships. This includes both men and women workers as well as young children. Economic necessity forces the practice of child labor, which is a social evil. The state must make sure that no child is abused physically or psychologically. It is stated in Article 39 [1](f) that childhood and youth

⁸ Available at https://en.wikipedia.org/wiki/Constitution_of_India visited on 02-07-2024.

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are safeguarded against exploitation and against moral and material desertion, and that children are provided with opportunity and facilities to develop in a healthy way and in conditions of freedom and dignity. In addition to safeguarding children, this clause offers facilities and opportunity for growth alongside a safe explosion. Section 45 Children under the age of six who are receiving early childhood care and education are covered by this provision. This clause states that the State will make every effort to provide all children with early childhood care and education until they turn six years old. This Indian Constitutional Act states that the state is in charge of a child's development and must protect them⁹. The state must provide a secure atmosphere for kids to grow up in, free from outside threats, so they can enjoy their childhood on their own. Subsequently, the state bears the burden of offering kids free and mandatory education. Regardless of the child's circumstances, including if their parents deny them rights or fail to protect them. To ensure the child's wellbeing, the State must implement stringent procedures.

2.2 BASIC RESPONSIBLE FOR INDIAN CITIZENS

The primary responsibilities of an Indian citizen are referred to as fundamental duties. There are around eleven responsibilities that Indian citizens must uphold. It is characterized as the moral duty of all Indian people to support the country's unity and foster a sense of patriotism¹⁰. Article 51A(k) Every Indian citizen who is a parent or guardian has an obligation to give his kid, or ward, as the case may be, the opportunity to get an education between the ages of six and fourteen. The Constitution expressly states in this clause that parents have a responsibility to provide for their children's education because it is essential to the nation's future and progress.

3. THE LAWS GOVERNING THE PROTECTION OF CHILDREN IN INDIA.

⁹ *Ibid.*

¹⁰ Available at https://en.wikipedia.org/wiki/Fundamental_Rights,_Directive_Principles_and_Fundamental_Duties_of_India visited on 06-07-2024.

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The following laws govern India's child protection:

3.1. IPC IN INDIA

Nothing that is done by a child younger than seven years old is considered an offense under Section 82 of the Indian Penal Code, and nothing that is done by a child older than seven but younger than twelve is considered an offense under Section 83. The kids will never grow up to be mature enough to know the difference between right and wrong. The young person won't understand that their actions will have consequences. He or she is completely Dole incapx because they are incapable of distinguishing between good and wrong. The Indian Penal Code's Section 305 addresses aiding and abetting suicide. It stipulates that anyone who helps a person under the age of eighteen who commits suicide would face the consequences specified in the act. Infanticide falls within the category of crimes against children under Section 315 of the Indian Penal Code. There are penalties for killing a baby in this section of the Indian Penal Code¹¹. Section 317 of the Indian Penal Code deals with the exposure and abandonment of a child under the age of twelve by a parent or other caregiver, whereas Section 316 of the code punishes foeticide, which is defined as the act of causing the death of an unborn child by a deed equivalent to culpable murder. The same penalties apply to a parent who exposes and abandons a child under the age of twelve. According to Section 369 of the Indian penal code, abducting a child under the age of 10 with the aim to steal from them is punishable by law. The punishment for reproducing minor females (i.e., for forcing or seducing them to engage in unlawful sexual relations) is outlined in Section 366A of the Indian Penal Code. To guarantee the safety of Indian girls, this section outlines the steps being taken against the aforementioned crime. The penalties for purchasing, selling, or coming into possession of a person under the age of eighteen at any age who is hired or

¹¹ Available at https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=343 visited on 06-07-2024.

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exploited for prostitution, illicit relationships with anybody, or any other illegal purpose are outlined in Sections 372 and 373.

3.2 CHILD MATRIMONIAL PROHIBITION ACT OF 2006

After the reintroduction of the Child Marriage Restriction Act, the Indian government adopted the Prohibition of Child Marriage Act 2006. Preventing child marriage is the primary goal of this Act. The complete eradication of child marriage from society is ensured by this Act. A female who has not reached the age of eighteen and a male who has not reached the age of twenty-one are considered children under this Act¹².

4. THE APPRENTICE ACT OF 1961

This Act's primary goal was to outlaw child labor in apprenticeships or training programs for those under the age of 14, and to mandate contracts between guardians and employers for those under that age. A person who meets the requirements for education and physical health and who is at least fourteen years old is eligible to work as an apprentice.

5. THE JUVENILE JUSTICE ACT OF 2015

This legislation, which was enacted in accordance with the Child Rights Convention, nullified the previous Juvenile Justice Act of 1986. More amendments to this Act were made in 2006 and 2010. This Act, which offers a unique approach to the care, development, and protection of children, was once again repealed in 2015. It describes how a child should be protected in a house, without a home, while they are begging, etc. Section 15 of this Act established particular measures to deal with juvenile criminals who commit horrific crimes while they are between the ages of 16 and 18. The best method to safeguard a youngster against any outside dangers.

6. THE 1986 ACT FOR THE PROHIBITION AND REGULATION OF CHILD LABOR

¹² *Ibid.*

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This forbids the employment of minors in certain dangerous jobs that could have a negative impact on their mental and physical health¹³. It controls how children who work in other jobs are treated at work.

7. THE 1960 ACT FOR THE SUPERVISION AND CONTROL OF ORPHANAGES AND OTHER CHARITABLE HOMES

The oversight and management of orphanages—homes for women who have been abandoned are provided by this Act.

8. THE 1890 GUARDIAN AND WARDS ACT

This Act pertains to the eligibility, appointment, and removal of guardians appointed by the courts and is applicable to all children, regardless of their religious beliefs. There is uncertainty over the child's next of kin in divorce cases. The child's wishes should always come first in court. The child may be affected by factors other than age, thus the court will weigh the child's best interests when making a decision after hearing arguments from both sides.

9. THE HANDICRAFTS AND NATIVE AMERICAN EDUCATION ACT OF 1956

This Act primarily addressed the Hindu law of support for spouses, parents, and children, as well as the requirements for an adult Hindu to adopt a kid¹⁴.

10. THE 1958 PROBATION OF OFFENDERS ACT

The limitations on the incarceration of criminals under the age of twenty-one are outlined in this law. The purpose of this Act is to stop juvenile offenders from becoming hardened criminals. Since they have the potential to change if they are imprisoned alongside criminals.

¹³ Available at <https://blog.ipleaders.in/child-labour-prohibition-regulation-act-1986/> visited on 06-07-2024.

¹⁴ Available at https://www.indiacode.nic.in/bitstream/123456789/1638/1/AA1956___78. visited on 10-07-2024.

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11. PORNOGRAPHY, SEXUAL HARASSMENT, AND ASSAULT OF THE SEX UNDER POCSO

The POCSO Act, 2012 is a law that protects children against sexual assault, sexual harassment, and pornography while also ensuring that their interests are protected at every level of the legal system through the use of kid-friendly procedures. The Act establishes special courts that hold the trial behind closed doors and without disclosing the child's identity.

12. THE RIGHTS OF CHILDREN DEFINE.

Children must rely on the state's parents patria role because they are by definition incapable of petitioning the court on their own. The court addressed the needs of the children by means of public interest litigation in situations where there was room for improvement, such as in prisons, institutions, illegal confinements, treatment of mentally retarded and handicapped children, child labor, child marriage, adoption, juvenile justice, prevention of young girl trafficking, the welfare of children of prostitutes, and the ban on corporal punishment in schools and sex selection¹⁵. Almost every topic pertaining to a child has a decision made by the court. The court has seen the cases through the prism that all decisions were made with the welfare of children across the nation in mind. The petitioner was worried about the high rate of child labor in dangerous conditions in the Savakis match factory in the Kamraj region of *Tamil Nadu*. *M.C. Mehta v. State of Tamil Nadu* is a case in which a ruling prohibiting child labor in hazardous conditions was passed. The ruling outlined the goals of the constitution and made a connection between child labor and poverty. It further said that the state had not properly eradicated child labor. *Administration of Delhi v. Sanjay Suri* The court established guidelines to safeguard inmates' children as well as directives for the transfer of some guilty officers. Sanjay Suri requested that juvenile undertrials be taken into consideration. Despite the Children's Act's restriction, a lot of kids were put to jail. The

¹⁵ Available at <https://blog.ipleaders.in/landmark-juvenile-supreme-court-cases-in-india/> visited on 10-07-2024.

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juveniles were tortured and forced to perform unpleasant tasks while housed among habitual offenders and other adults¹⁶. The Supreme Court of India ruled in *Gaurav Jain v. Union of India* that it would not be in the best interests of the children of prostitutes to separate them. As per the ruling of the Supreme Court, children of prostitutes are entitled to equal opportunities, dignity, care, protection, and rehabilitation to enable them to integrate into society without facing any stigma. A number of directives were given to stop the sexual exploitation of minors in the case of *Vishal Jeet v. Union of India*. The court ordered the state government to establish protective shelters and rehabilitation centers for young females forced into the "flesh trade" and children caught begging on the streets. *The Secretary of the Children's Aid Society & Ors. Sheela Barse v. A* national statute must be created to bring uniformity to the juvenile justice system, and the Supreme Court instructed that no child should ever be placed in jail in response to a petition brought in the public interest regarding the unlawful operation of a childcare facility in Mumbai. *Kishan Pattnayak v. Orissa State* Poor people had to sell their children in order to pay for food. The government of Orissa was forced to implement a number of welfare measures. In a letter to the Supreme Court of India, the petitioner brought attention to the acute poverty in Kalahandi, Orissa, where hundreds of families were starving to death and were being forced to sell their children as a result. The case has taken up the subject of poverty and food insecurity. The Supreme Court's ruling in this case resulted in the implementation of irrigation projects that significantly reduced drought and included measures to guarantee fair selling prices¹⁷. In the case of *Sarita Sharma v. Sushil Sharma*, the court decided that the wellbeing of the children should come first when deciding who gets custody of them. The court concluded in *Unnikrishnan J.P. & Ors v. State of Andhra Pradesh* that the right to life implicitly includes the right to education. The ruling in this case increased the scope of the right to education as guaranteed by the right to life. The

¹⁶ Available at <https://indiankanoon.org/doc/212829/> visited on 10-07-2024.

¹⁷ *Ibid.*

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Constitution's 86th Amendment, which went into effect in 2002, combined the rights to life and education¹⁸.

13. ENACTMENT OF POCSO ACT

The Act is divided into sections and chapters. The whole Act deals with the protection of children from sexual abuse. These are heinous crimes in the world. Section 1- short title, extent and commencement. Object and scope : Protecting minors from sexual assault, harassment, and exploitation, as well as ensuring their best interests, is the fundamental goal of the legislation currently being introduced. It acknowledges the need for everyone to uphold and preserve a child's right to privacy and secrecy at all times, including during any court proceedings in which the child may be involved¹⁹. At every step, the child's best interests and well-being are considered to be of utmost importance in order to ensure their healthy physical, emotional, intellectual, and social development. In the Statement of Objects and Reasons, it is stated that consideration is given to the constitutional mandate to ensure that policy is directed toward ensuring that children in their tender age are not abused, that their children are shielded from exploitation, and that they are provided with the means to grow up in a healthy way, with freedom and dignity. The focus is on creating child-friendly procedures in order to safeguard the child's interests as a witness and as a victim. In the legislative design, the child's dignity has been given great weight. The POCSO Act's central position is occupied by protection and interests.

SPECIAL COURTS TO TRY OFFENCES SEXUAL ACTS

The exclusive certain specialized courts to try offences under POSCO Act. The directions issued and directors of states forensic science laboratories as well as the worried authority in the governmental administration to guarantee that the existing and available forensic science laboratories in each state will function in an effective manner insofar as analysis etc. of the

¹⁸ *Ibid.*

¹⁹ *Ibid.*

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samples collected under the POCSO Act are concerned and reports of such analysis be sent promptly and without any delay. All state and union territory chief secretaries have been instructed to make sure that the court's directive is followed immediately.

APPLICABILITY OF ACT

The plea taken was that incident of molestation of victim occurred prior to introduction of Act. The issue under consideration of commission was regarding publication of details of victim on facebook and not of molestation. Offence of publication of detail of victim was committed in 2016. i.e. after introduction of Act²⁰.

CONCLUSION

Constitutional and Indian legal framework are also defined . Fundamental rights and directive principle of state policies, fundamental duties are also deal with this chapter and also deal with the Welfare Provisions for Children under the Constitution and National Policies of India deals with provisions contained in the Indian Constitutional law for the welfare of children. The POCSO Act 2012 also deal the sexual offences against children with the sexual harassment of children in this chapter. The provisions of the Constitutional regarding Fundamental Rights, Directive Principles of the States Policy and Fundamental Duties for the welfare and protection of children. child helpline and autonomous bodies, child commission, law recommendations of law commission etc. Children's inevitable dependence upon others and their vulnerability have been the immediate causes of their exploitation whereas the overall social atmosphere of poverty, illiteracy and helplessness push them to the wall. For protecting them from private actors, law strives hard in umpteen ways. The fact that private actors are parents and guardians and the agencies that exploit include employers and flesh trade racketeers makes the legal task complex. Law's policy is traditionally influenced by the instruments of sticks rather than humanised by the carrots of social benefits. But latest trend is to humanise through beneficent actions. Society,

²⁰ Sudesh kumar S.R vs State of kerala 2016 (4) ker. LJ 848.

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both domestic and global, has grown beyond freeing the child from exploitations of numerous types. Childcare and child development are the modern mantras for offering to children the joyous ambience of right to be child. Health, education and security are inevitable and interlinked inputs for their development. For making them available, the private actors need to be cautioned, cajoled and coerced. Since mere legal framework cannot do that, people's participation and creative leadership of the NGOs and civil society make tremendous contribution to the success of the legal policy. The whole legal regime ranging from international human rights instruments to constitutive laws and down to local administrative circulars, whether relating to eradication of child labour or streamlining the adoption and fosterage arrangements or rescuing from sexual exploitation or effectuating the policy of compulsory primary education, has increasingly relied on this bottom up approach. From the perspectives of law- society interaction, the signs of healthy development are visible. Children are legally incapable of making decisions on their own because they are still minors. Their parents, caregivers, social workers, teachers, youth workers, and other individuals endowed with such authority instead make these choices. Most people agree that the state exposes them to danger and offers them little control over their own life. Children's rights are human rights that focus specifically on the extra protection and care that kids receive. Many government laws have been put in place to conceal the ways in which adults mistreat and exploit children, which causes a loss in the integrity of children and ultimately results in poverty, a lack of education, or even their denial of it. According to this perspective, children are seen as a minority group whose treatment by society needs to be reconsidered. The beneficiaries of welfare programs were children. The idea of children's rights first appeared in the 20th century. In theory, rights are being substituted for wellbeing. which was a really important strategy. Rights are entitlements with purposes and duties. They are mostly focused on social justice, equality, protection from discrimination, and empowerment. A seminal piece of international human rights law, the United Nations Conventions on the Rights of the

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Child of 1989, embodies the rights approach. The popular belief across most cultures is that children are more physically and psychologically fragile the younger they are. The age at which children can marry, leave home, start school, become an adult in the eyes of the criminal justice system, start working, join the armed forces, and other activities is largely determined by this age. Nevertheless, the age restriction varies by country and by occupation. A "child" is defined as an individual under the age of 14 in the Constitution on India and Child Labor (Prohibition and Regulation) Act 1986. According to the most recent amendment to the Juvenile Justice Act of 2015, minors (16–18 years old) who commit horrible crimes like rape, acid attacks, murder, etc., may be treated as adults. The creators of the Constitution understood that children held the nation's promises and would shape the country's destiny. They were worried about providing for the kids' safety. By protection, they meant defense of their rights, dignity, body, intellect, and so on. Numerous provisions pertaining to the lives of children were outlined in the Constitution. Numerous laws, programs, plans, etc. have been introduced in an effort to reinforce the provisions found in the constitution. Children's rights and protection are guaranteed by the constitution through its several sections. Children require extra care and protection due to their immaturity and sensitive age. Both nationally and internationally, they are acknowledged for certain legal entitlements and rights. A large number of articles in the constitutional address children's rights, including their right to liberty and development during childhood, their (rights) liberty to freedom and compulsory education, the prohibition opposing prejudice in educational settings, and their inability to work in dangerous environments such as mines or factories. By using child-friendly methods, the POCSO Act, 2012 protects children from sexual assault, sexual harassment, and pornography while also ensuring that their interests are protected throughout the entire legal process. The Act establishes special courts that hold trials behind closed doors and without disclosing the child's identify. There remains a shortage that exists despite all these legal framework components, and difficulties still need to be overcome in the here and now and the

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future. Numerous situations exist in which children have not received justice; social ills such as child labor and marriage continue to exist in society. Obviously, poverty is the only factor contributing to child labor; numerous cases have shown that the IPC's provisions are ineffective. There are still cases of child abduction, killing, physical, psychological, and sexual abuse. It should be noted that the aforementioned rules are intended to eradicate all of these practices. These offenses throughout the community. There is still a significant crime rate in the community. The severity of the law should be increased, and all penalties should make people fearful. In India, the reformatory theory is implemented with the goal of reforming convicts. Instead of being helpful, all of these reformatory initiatives proved to be dangerous. The Deterrent idea of Punishment is that idea of punishment that prevents wrongdoers from committing crimes and creates fear in them, causing them to behave within the bounds of the law. India ought to adopt this notion of punishment. There have been instances where the court's decision stunned the public and the victims were utterly deprived of justice. In a recent ruling, the Additional Session Court (Special POCSO court) in Palatka released three males who had been charged with sexual assault, rape, and aiding and abetting suicide of their siblings at Walayar, Palakkad. The three women were deemed not to be reliable witnesses by the judge. The judge concluded that the prosecution had fabricated the witnesses' testimony in order to support its case. The judge further declared that there was no evidence tying the defendants to the crime; all the police had was a list of persons who were against them. Even though the sisters' postmortem report proved beyond a shadow of a doubt that they had been raped, the court's decision ultimately dismissed the entire case and said the prosecution had not shown enough scientific proof. It is the rights of child to be shielded from physical and psychological abuse. The kid has a liberty (rights) against sexual abuse under Article 34. The youngster is protected against such exploitation by the CRC, which preys on the innocence of the victim.