



Child Protection Laws in India: A Brief Review

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Abstract:

Dental professionals play an imperative role in detection and reporting of cases of child abuse. In addition they need to be aware of the existing primary laws for child protection in India, so that they can report to appropriate authorities without any hesitation. This article attempts to make dental practitioners throughout the country conscious of the legal aspects of child abuse.

Keywords: Dental professionals, child abuse, detection, reporting, child protection laws.

Introduction :

Child abuse is global problem which has shown to have detrimental effects on the development of children. World Health Organisation defines it as “child abuse or maltreatment constitutes of all form of physical and/or emotional illtreatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.” [1]

Dental practitioners have a vital role to play in identification and management of child abuse. Approximately 60-75% of victims report with injuries in the head, neck and facial region. [2, 3] They may be the primary health care professionals to recognize the possibility of child abuse. They help in providing emergency dental treatment wherever required and also in referral to medical experts in cases of extensive traumatic injuries. [4]

The clinician and the members of the dental team assisting the clinician should be aware of the 4 R's i.e. recognize, record, report and refer in relation to child abuse.[5]

A majority of dentists who have been able to identify child maltreatment at some stage of treatment feel hesitant to report to relevant authorities. [6] Most common reasons associated with this hesitation are fear of legal embarrassment, lack of trust on child protection agencies, and lack of awareness. [7]

It has been noted that the perpetrators keep changing the clinician to avoid suspicion but seldom do they change their dentists. [8] Hence they can be easily identified by dentists. Dental professionals have a moral as well as legal duty to

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report and give useful information with relevant proofs confidentially to the appropriate authorities at district level or at state level if any case of child abuse is suspected. [5] They are also required to report reasonable suspicions of child abuse and when suspicions have been reported, it becomes the responsibility of legal authorities to intervene and render services to the family of child patient. [9]

Dental practitioners who assist in legal cases may also be asked to act as “expert witness” in some cases. [10]

Majority of health care professionals are unaware of the existing primary laws for child protection in our country and often feel helpless when dealing with situations involving child maltreatment.

Primary Child Protection Provisions:

Several laws have been framed keeping national and international conventions in mind to protect the rights of children and some of the important ones are:

1. Juvenile Justice (Care and Protection of children) Act - It was given in 2015 and deals with two categories of children i.e. “those who are in conflict with the law and those who need care and protection”. It caters to their basic needs, adopts a child friendly approach in disposal of matters, keeps in mind the best interest of children and also takes care of their rehabilitation through institutions and established bodies.

It also enumerates the role, function and responsibilities of the child welfare committees functioning at district level. Furthermore, it establishes Special Juvenile Police Unit for police officers at district level for providing legal protection against all kinds of abuse for children and juveniles. [11]

2. Protection of Children from Sexual Offences Act (POCSO) - It was one of the most progressive laws to fight sexual violence against children. According to this act all forms of sexual abuses are specific criminal offences. A clinician is required to report to relevant authorities for strict action if any suspicion regarding sexual abuse in a child is there. If he/she is unable to do so then clinician can face imprisonment up to 6 months with/without fine.[8] Such reporting is not only

important to save the child from any further harassment but also mandated under Section 21(1) of the POSCO Act 2012.

3. Commission for protection of child rights Act, (CPCR) 2005- National Commission for protection of child rights (NCPCR) was formed under the CPCR Act and ensures that all laws and policies are in accordance with the Child Rights perspective as mentioned in the Constitution of India and UN Convention of the Rights of the child. It also investigates and recommends against the perpetrators of child maltreatment. [12]
4. Integrated child protection scheme (ICPS) - Launched by Government in 2009, it is a centrally sponsored scheme and is aimed at building a protective environment for children in difficult circumstances. ICPS will be administered by states through child protection committees and at district level through district protection societies.
5. Child Labour Act (Prohibitions and Regulation) – It gives a list of banned and hazardous occupations.

Healthcare professionals need to coordinate with appropriate authorities at district and state level to ensure right implementation of these laws and rescue children from any kind of maltreatment.

Conclusion:

Child abuse can have long-lasting effects on the mind of victims, hence it is becomes all the more important to investigate cases proactively. All the health care providers including the dental professionals need to be aware of the laws governing child abuse. They need to communicate and collaborate with medical and legal professionals and child protective services to form an inter-disciplinary team which can coordinate in child abuse investigations in a more proficient manner.

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