2024–2025

Legal Literacy Handbook




स्वच्छ
भारत
एक कदम स्वच्छता की ओर

Legal Literacy Handbook

2024–2025



विद्यया ऽमृतमश्नुते

एन सी ई आर टी
NCERT

राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
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Foreword

Legal Literacy Handbook draws its genesis from the Preamble to the Constitution that lays emphasis on justice, equality and liberty. It attempts to create awareness about the democratic ethos of the country by instilling the constitutional values related to empathy among the youth for the country, respect for others, courtesy, spirit of service, respect for public property, scientific temper, and pluralism.

The various themes of the handbook, such as, Democratic Participation and Electoral Awareness, Juvenile Justice System in India, Gender Justice: A Vehicle for Transformatory Social Change, Empowering Children with Special Needs, Protection of Children from Sexual Offence, Road Safety for Children and Adolescent, Safe School Environment, Conservation of Environment, Cybersecurity, International Convention on Human Rights, Child Rights and Equality, Dynamic Jurisprudence, and the Bharatiya Nyaya Sanhita 2023, the Bhartiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya Adhiniyam 2023, aims to promote dignity, harmony and well-being of all. These themes are not only well deliberated upon but include varieties of child-friendly activities for creating interest among the curriculum developers, teacher educators and teachers. It is hoped that they would take the messages forward to the students that in order to contribute to the development initiatives of the country, they need to be an informed citizens committed to the Fundamental Duties for promoting overall wellness and harmony of all. Also, while exercising their fundamental rights as citizens, they should not impinge in the rights of others.

The present handbook takes into account the philosophy of the National Education Policy (NEP) 2020 in strengthening the cords of inclusiveness and equity. Some of the designated themes on gender, empowerment of children with special needs and human rights are steps in this direction. The Sustainable Development Goals (SDGs) also find an appropriate reference in the document. Commitments to peace, justice, strong institutional ethos have also received adequate focus nearly in the themes.

The NCERT acknowledges the coordinator and the team of authors for working dilligently bring out the document. I hope, all its users, including teacher educators, teachers and students, will find it useful and interesting, and to make legal literacy a part of their daily lives.

Dinesh Prasad Saklani
Director
National Council of Educational
Research and Training

New Delhi
October 2024

Preface

The *Legal Literacy Handbook* highlights the importance of being aware in exercising one's fundamental rights without impinging on others. Being legally aware would strengthen the democratic ethos of the country, and would ensure peace and harmony.

This handbook draws its inspiration from the Constitution of India. It focuses on laws and the redressal mechanism that are of contemporary relevance. The themes of the handbook have been identified by experts, taking into cognizance on its relevance to the schooling system and its awareness for children at the Middle and Secondary Stages of education. It also acknowledges the role of all the stakeholders including parents in collectively working towards promoting legal awareness to strengthen democracy in practice at all the spaces of social interactions, i.e., family, school, workplaces, and the community at large.

This handbook also focuses on Fundamental Duties enshrined in the Constitution of India that would help in achieving the goal of quality education with emphasis on equity and inclusiveness. The themes of the handbook also make a mention of the processes of redressal for making each stakeholder aware about the same. This would help in ensuring that justice is met in handing conflict and violence, occurring in different social spaces. The strength of the handbook lies in promoting humanitarian values and in developing qualities of empathy and compassion amongst the children in their growing years. Responsible and committed citizens working for the development of the nation is the focus of all the themes.

The themes woven in the handbook are—Democratic Participation and Electoral Awareness, Juvenile Justice System in India, Gender Justice: A Vehicle for Social Transformatory Social Change, Empowering Children with Special Needs, Protection of Children from Sexual Offences, Road Safety for Children and Adolescents: A Pathway to a Safer Future, Safe School Environment, Conservation of Environment with the help of Laws and Ethical Practices, Cybersecurity and Information Technology, and International Convention on Human Rights, Child Rights and Equality, and Dynamic Jurisprudence: New Criminal Laws..

Each theme of the handbook has been penned in an interactive manner along with embedding several activities that the children can engage with. It is hoped that this effort will also in still the twenty-first

century skills, such as, creativity, critical thinking and problem solving among the learners. The aim is to meaningfully involve all stakeholders for strengthening the democratic ethos of our country. Legal awareness would strengthen the vehicle of justice, promote human rights and make every citizen of the country a law abiding person respecting the Fundamental Rights and Fundamental Duties of self, and others as enshrined in our Constitution.

It is hoped that the handbook receives encouraging readership.

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The Council also appreciates the contribution of Sumitra Singh, *Associate Professor*, Amity Law School, Noida, for providing suggestions on the themes of the handbook. The efforts of Shreya Gupta, Pragya Dubey, *Proof Readers* and Ramya, *Junior Project Fellow*, DESS are also appreciated.

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Suggestions are welcome at any stage.

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CONSTITUTION OF INDIA

Part III (Articles 12 – 35)
(Subject to certain conditions, some exceptions and reasonable restrictions)

guarantees these

Fundamental Rights

Right to Equality

- before law and equal protection of laws;
- irrespective of religion, race, caste, sex or place of birth;
- of opportunity in public employment;
- by abolition of untouchability and titles.

Right to Freedom

- of expression, assembly, association, movement, residence and profession;
- of certain protections in respect of conviction for offences;
- of protection of life and personal liberty;
- of free and compulsory education for children between the age of six and fourteen years;
- of protection against arrest and detention in certain cases.

Right against Exploitation

- for prohibition of traffic in human beings and forced labour;
- for prohibition of employment of children in hazardous jobs.

Right to Freedom of Religion

- freedom of conscience and free profession, practice and propagation of religion;
- freedom to manage religious affairs;
- freedom as to payment of taxes for promotion of any particular religion;
- freedom as to attendance at religious instruction or religious worship in educational institutions wholly maintained by the State.

Cultural and Educational Rights

- for protection of interests of minorities to conserve their language, script and culture;
- for minorities to establish and administer educational institutions of their choice.

Right to Constitutional Remedies

- by issuance of directions or orders or writs by the Supreme Court and High Courts for enforcement of these Fundamental Rights.

THEME 1

INTRODUCTION: LEGAL LITERACY AND ITS RELEVANCE IN CONTEMPORARY TIMES



LEGAL LITERACY AND ITS RELEVANCE IN CONTEMPORARY TIMES

Legal literacy is a vehicle that attempts to take cognizance of the innate potential of every child with a positive lens. It focuses on seeing that no child is born a criminal and therefore, to ensure an enabling and conducive environment in all social spaces of interaction, there is a need to make each and every individual aware about preventive and promotive laws that ensure the exercise of Fundamental Rights and Fundamental Duties without any inhibitions.

Legal literacy is of contemporary relevance. It is the kernel of well-informed citizenry about their rights and duties in strengthening the cords of democracy. It draws its genesis from the Preamble to the Constitution of India, which aims to ensure justice (social, economic and political); liberty (of thought, expression, belief, faith and worship); equality (of status and of opportunity); and to promote among them all fraternity, assuring the dignity of the individual and the unity and integrity of the nation. These values have a significant influence on policies, programmes, curriculum, and other initiatives for the betterment and quality life for all. Legal literacy helps in creating awareness about laws, rights and duties as well as remedies for addressing conflict and violence and being knowledgeable about the present redressal mechanism. Being part of the largest democracy, the knowledge of law serves the people with tools of power and self-realisation. Understanding of the legal system and legal processes is important for empowering the self. Translating Fundamental Duties, in particular—common brotherhood among all the people of India, transcending religious, linguistic and regional or sectional diversities renounce practices derogatory to the dignity of women to value and preserve the rich heritage of our composite culture to protect and improve the natural environment; develop scientific temper, humanism and spirit of enquiry; and safeguarding public property and abjure violence, and so on, into practise would ensure peace and harmony for developing qualities of committed citizenry to the family, community and the nation.

The importance of legal literacy has been highlighted in the National Education Policy (NEP), 2020. The document highlights the relevance of legal literacy in the present times.

Accordingly, it states that, "Legal education needs to be competitive globally, adopting best practices and embracing new technologies for wider access to information and for the timely delivery of justice. At the same time, it must be informed and illuminated with Constitutional values of justice—social, economic, and political and directed towards national reconstruction through instrumentation of democracy, rule of law and human rights. The curriculum for legal studies must reflect socio-cultural contexts along with, in evidence-based manner, the history of legal thinking, principles of justice, the practice of jurisprudence, and other related content appropriately and adequately. State institutions offering law education must consider offering bilingual education for future lawyers and judges—in English and in the language of the State in which the institution is situated" (NEP, 2020).

Legal Literacy: Mechanism for Confidence Building

Legal literacy is crucial for overall personality development. It not only makes the beneficiary aware about the rules and regulations that they should know but also instils humanitarian values and develops qualities of compassion and empathy. Figure 1 given here provides a brief depiction of how the knowledge of laws helps in confidence and capacity building of the students and stakeholders.

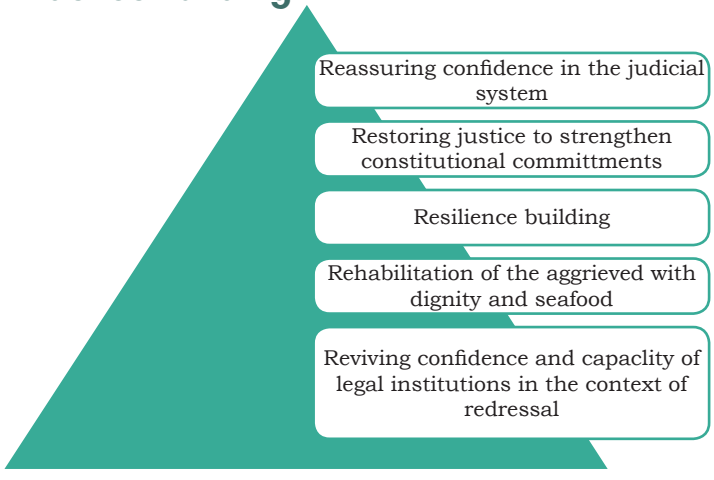


Fig.1.1: Legal literacy: mechanism for confidence building

Procedures to be adhered for translating confidence building into practice:

Confidence Building	Procedure to be Adhered
Reassuring confidence in the judicial system	Knowledge of substantive procedural laws
Restoring justice to strengthen constitutional commitments	Ethics of laws instilled under the principles of natural justice
Resilience building	Practical or field work training
Rehabilitation of the aggrieved with dignity	Consultation (psychological or psychiatric or legal)
Reviving confidence and capacity of legal institutions	Training of educators and guardians

The Sustainable Development Goals (SDGs) are also applicable to legal literacy as they attempt to promote institutions that strengthen gender equality, reduce inequalities, and promote good health and well-being. In addition, they also include quality education, peace, justice and strong institution, and partnerships for institutionalising democratic ethos. These targeted goals need to be worked upon from the school stages making the children understand the values of committed citizenry and make them aware about their duties and rights.

Awareness of laws and international conventions is essential to understand the applicability of laws on the international forefront. For this purpose, India has ratified many laws. In ratification, the International Agreement is approved by the State. The concerned administrative Ministry submits the Cabinet Note, Cabinet approval, and three copies of the signed treaty. The instrument of ratification is prepared by the Legal and Treaties Division of Ministry of External Affairs and processed for signature of the President. A treaty is concluded with the approval of Union Cabinet. It is not placed before the Parliament for discussion and approval. However, where the performance of treaty obligations entails alteration of the existing domestic law or requires new enactment, it would accordingly require legislative action.

Sources of Laws in India

The legal literacy derives its sources from the Constitution of India. Besides this document, there are statutes enacted by the Parliament, State Legislatures and Union Territory Legislatures. Moreover, there are many rules, regulations and bye laws made by Central or State Governments and the local authorities like the Municipal Corporation, Municipalities, Gram Panchayats and other local bodies. This subordinate legislation is made under the authority conferred or delegated either by the Parliament or State or Union Territory's legislature concerned. Judicial decisions of the superior courts like the Supreme Court and High Courts are also important sources of law. The decision of the Supreme Court is binding on all courts in India.

Need for Legal Literacy

Legal literacy is important for students, family, and all the stakeholders to be aware of the procedures and processes for seeking justice. Further, knowledge about mechanism with regard to getting speedy justice is important for developing faith in the judicial and legal system, and also

for mitigating injustice and all forms of discrimination. It would also inculcate faith in the rule of law. In a changing society, where there is dynamism, conflict, violence, diversity of thoughts, and action, it is crucial to know how laws encompass and facilitate social cohesion, harmony and strengthens peace-building processes. Legal literacy is a tool for empowerment, self-realisation and making persons of all age groups aware of their rights and duties. Legal literacy strengthens the courage and confidence to fight injustice, understand the scope of Fundamental Rights and legal remedies in case of its violation in different situations. Legal literacy facilitates the mechanism of transparency and accountability in governance and thereby, enables the functioning of democracy in practice. Promoting legal literacy would create enabling conditions, where human rights, dignity and self-respect of all individuals are fostered and cherished. Legal awareness at the Middle and Secondary Stages of school education would instil legal consciousness and awareness about rules, regulations and laws that govern children lives from infancy to the entire journey of their mortal existence.



Fig. 1.2: Legal literacy: an inter-disciplinary perspective

Objectives

The main objectives are to:

- Make students, teachers and stakeholders aware about the laws.
- Promote knowledge about redressal mechanism.
- Develop creative expressions for understanding laws.
- Identify workable strategies of linking laws with school curriculum.

Methodology

This handbook reflects the broad thematic areas and related laws concerning the Middle and Secondary Stages at the school level. Each theme would include a mention of the redressal mechanism and related activities to make the students, parents and stakeholders easily comprehend and become aware of various existing mechanisms to address all

forms of discrimination, injustice and inequalities operating in different social spaces such as family, school and the society. Additionally, it would also include a glossary of terms on legal matters. Each theme would comprise workable strategies, assessment related items and references. It is hoped that the handbook would promote legal literacy and its importance to students, teachers, parents, and all the stakeholders for exercising their rights and duties in a responsible and child-friendly manner. This would help in promoting peace, harmony and strengthen democracy in practice.

Review of Literature

Several scholarly works have been written on legal literacy for promoting awareness about different laws governing the society.

- One of the significant works is a *Picture Book on Legal Awareness* by the Centre for Environmental Law, Education, Research and Advocacy of NLSIN, Bengaluru and Department of Justice, Ministry of Law and Justice in 2023. It is visually rich and is a simple guide to understand schemes, legislations and rights of the individuals. It also deals with the contemporary concerns such as, environment, cyber bullying, legal aid, animal welfare, consumer protection, Protection of Children from Sexual Offences Act (POCSO), Persons with Disabilities Act (PwDs), National Green Tribunal, Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Juvenile Justice Act, Environmental pollution, etc., in an illustrative manner.
- The other publication titled *Child Labour: Global Estimates 2020, Trends and the Road Forward ILO and UNICEF* (2021) provides an in-depth database and outlines statistical definition of child labour and its components, hazardous work by children and the worst forms of child labour other than hazardous work. This publication also includes discussion on methodologies to fight against forced child labour. The recommendations of the report establish participation of social collectives to include children's voices in addressing the problems successfully. Context specific strategy along with documenting good practices would go a long way in the elimination of child labour.
- Another publication by Tenesha Myrie, titled, *Legal Literacy Manual for Persons Living with Human Immunodeficiency Virus (HIV) and Inadequately Served Populations* in 2016 attempts to broaden the

knowledge of Inadequately Served Populations (ISPs) on law and human rights. This publication provides useful information of the legal tools and human right mechanisms that can be used to secure access to justice and equality in public and private life. The manual raises awareness on building capacities of ISPs to be the agencies of change. This publication provides a toolkit for training on law, human rights and concerns related to ISPs.

- The *Handbook on Sexual Harassment of Women at Workplace* by Ministry of Women and Child Development in 2015 offers key information on internal complaint committees, local complaint committees established under the act with simple user-friendly information on sexual harassment, what is expected of the complaints committees to address enquiry processes and the proposed outcomes. The handbook is an easy-to-read material to know how to deal with sexual harassment at the workplace.
- In her work, *Legal Literacy for Educational Personnel with Focus on Women and Girls* (1997) Usha Nayar meticulously explores and presents an in-depth analysis of legal frameworks impacting the rights of women in the Indian context and delves into various themes crucial to understanding the legal landscape surrounding women and girls. Nayar's comprehensive guide unfolds key facets such as, the intricacies of laws, the intersection of women and the Constitution of India, the nuances of personal laws affecting women in matters of marriage, divorce, adoption, maintenance, succession, and inheritance. The exploration extends to the realm of Labour Laws and their implications for women, providing a holistic view of the legal landscape governing their rights in various spheres. It also involves an exploration of international conventions and their alignment with Indian law. The book scrutinises constitutional provisions directly influencing the rights of women, shedding light on how these provisions have evolved over time. The publication introduces the readers to the critical issues surrounding personal safety and dignity of women, along with a thorough examination of the prevalence and incidence of crimes against them. One distinctive feature of this work is the comparative analysis it undertakes in evaluating Indian laws against the backdrop of two pivotal international conventions.

- *The Universal Declaration of Human Rights* (1948), contemporaneous with the development of the Indian Constitution, serves as a benchmark, illustrating the convergence and divergence of principles.
- The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) provides a contemporary lens through which the status of women in India is critically assessed. This work not only serves as a valuable resource for educational personnel but also contributes significantly to the broader discourse on legal literacy, women's rights and the evolving legal landscape in the Indian context.
- Another publication by Gouri Srivastava, titled, *Legal Literacy: The Driving Force for Democracy in Practice* 2023, highlights the importance of making every child aware about Fundamental Rights and Fundamental Duties. Further, the paper highlights that while exercising one's own rights, care should be taken that it does not impinge on the rights of the others. Reference is made to the relevant articles of the Constitution, laws and the various redressal mechanisms. Moreover, the paper depicts that the engagement of the stakeholders is crucial in addressing the issues and challenges faced by children in their growing years for strengthening promotive and preventive measures to deal with children in conflict with laws and also those who require protection and care.

Relevant Constitutional Provisions

Several articles of the Constitution are genesis to legal matters. Article 39A provides legal aid and assistance to the poor. Article 23, prohibits all forms of trafficking. Similarly Article 21A provides free and compulsory education to all children in the age group of 6–14 years as a Fundamental Right. Article 325 provides that no person shall be ineligible for inclusion in the electoral roll on the grounds of religion, race, caste, sex or anyone of these. Article 326 provides Universal Adult Suffrage, similarly Article 327 empowers the Parliament to make law in connection with the election to the legislature. The other articles that attempt to empower the socially and economically disadvantaged sections are: Article 15(1), 19, 21, 24(1), 32, 48, 51(DPSP), 51A, 253, 32–226, etc. Article 39A of the Constitution of India, as stated earlier, provides free legal aid and makes it imperative for the State to promote justice on the basis of equal opportunity. Legal aid is provided to the needy before the

way up to the Supreme Court. The National Legal Services Authority (NALSA) also runs various legal aid clinics from law colleges to fulfill the objectives of imparting effective legal literacy. Legal awareness can follow twin approaches, i.e., the bottom-up and top-down approaches for the dissemination of laws and their awareness.

Legal literacy is an applied area and it is not confined to any one ministry. It is inter-ministerial in nature as it covers various human activities that encompasses different fields. Each area is governed by rules and regulations aiming at achieving optimal results with thrust on equity, inclusion, quality, and sustenance.

Legal awareness for children is particularly crucial as it attempts to make them familiar with International Conventions that India is signatory to. Some of the significant ones are UN Conventionon the Right of the Child (UNCRC 1989), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Human Rights Conventions. Legal awareness helps to promote consciousness of legal environment and participation in the form of laws.

Causative Factors

The Government and the civil society are committed towards the holistic development of children from diverse backgrounds. In order to ensure quality life for all and address the phenomena of discontinuance of education especially at the Middle and the Secondary Stages, there is a need to address various issues and concerns related to conflict and violence, discrimination, neglect, illicit trafficking, child labour, substance abuse, problems related to gang wars, rape incidents, acid attacks, bullying, use of abusive language, and so on for making the school environment enabling for all. The print media has from time to time reported some of the cases like consumption of e-cigarettes. In this very context, a study published in the *Journal of Preventive Medicines* conducted by the George Institute of Global Health, Delhi had mentioned that despite a ban in the country, the educated youth are among those who mostly use e-cigarette. This journal highlights that interviews were conducted involving 840 young adults and found that 23 per cent had used e-cigarettes *(Source: Times of India, 29 January 2023)*. In another news item, there is a reference to 1.5 crore minors in India, who are into some kind of substance abuse. This is in reference to a survey conducted in 2018 by the Ministry of Social Justice and Empowerment, through an affidavit to the

Supreme Court, which is likely to examine the phenomena in depth. This report also highlighted harmful substance from alcohol to opioids and sedatives in the age group of 10–17 years.

These cited incidences have committed all the stakeholders to address these concerns in a substantial manner. Thus, there is a need to work on some of these identified causative factors that are a road-block in navigating the journey of the impressionable age of children from their childhood to adulthood. The other incidences that are inviting lot of public discourses are related to child trafficking, sexual abuse, cybercrimes, child exploitation, accidents, bullying, food adulteration, mental health concerns, physical and emotional issues, stress management, and so on.

In addition, peer harassment has also been reflected as a cause of conflict. In a news item reported in the *Indian Express*on on 18 June 2023, there is a reference to a 19 years old student of University of Delhi being stabbed for objecting to his woman friend being harassed by another student. Related to this incidence is another publication in the newspaper regarding molestation of a girl of Grade X in New Delhi (*Source: Times of India, 24 May 2023*). Such kinds of reporting are nearly, a regular feature in the media. The chart given below shows graphical representation of some of the crimes that concern children:

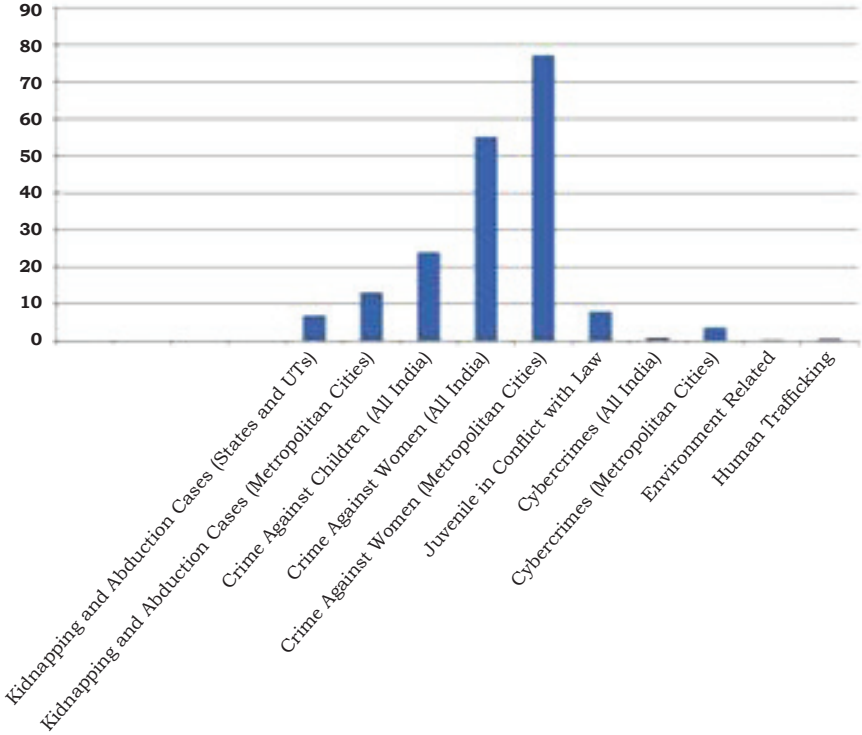


Fig. 1.3: All India or metropolitan cities rate of cognizable reported crimes concerning children (2016)

Therefore, these recurrent social abrasion phenomena make legal literacy an important curricular area for all stages of education. The dissemination of relevant laws through online and offline platforms is the need of the hour, both as preventive and promotive measures for building an effective mechanism for prevention of all forms of violence and building confidence in legal institutions.

Preventive and Promotive Measures for Addressing Deviant Behaviour, Maladjustment and Conflicts

Some significant initiatives from the perspective of life-cycle approach covering the mortal existence of humans are:

1. PC-PNDT Act: The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was enacted to prohibit sex selective abortions and regulate pre-natal diagnostic techniques. This act attempted to help in addressing the adverse sex ratio and promote the survival of girl child in families with a strong son preference.

2. Child Sexual Abuse: The Protection of Children from Sexual Offences (POCSO) Act, 2012 aims to address sexual offences against children and ensure dignity, confidence, and build capacities of stakeholders to help in the overall development of the child.

3. Trafficking of Girls and Women: The Immoral Traffic (Prevention) Act, 1956 addresses the trafficking of girls and women belonging to different age groups facing sexual exploitation and for its overall prevention. Human-trafficking is prohibited under the Constitution of India.

4. Child Marriage: The Prohibition of Child Marriage Act, 2006 prohibits child marriage and protects the rights of underage individuals.

5. Child Labour: The Child Labour (Prohibition and Regulation) Act, 1986 prohibits child labour and regulates working conditions of children and adolescents. The enactment of this act and its proper implementation will help in promoting access, enrolment and retention of children, and prevent the endemic phenomena of dropout and non-enrolment.

6. Right to Education: The Right to Education (RTE) Act, 2009 ensures free and compulsory education for children aged 6 to 14 years. This act has made enrolment justiciable and it ensures education to all. The National Education Policy, 2020 highlights that the RTE Act and the

Samagra Shiksha Abhiyan has facilitated the near universal enrolment at the Elementary Stage of education.

7. Right to Information (RTI) Act 2005: This act mandates timely response to citizen's request for Government information. It empowers citizens to seek information from the government. It extends to the whole of India and covers all the constitutional authority including executive, legislature and judiciary, any institution or body established or constituted by an act of the Parliament or State legislature.

8. Juvenile Justice: The Juvenile Justice (Care and Protection of Children) Act, 2015 focuses on care, protection and rehabilitation of children in need of care and protection and children in conflict with law. This act attempts to prevent criminal tendencies among the adolescent children and strengthen the process of rehabilitation taking the family and community into confidence. As per the Gazette of India with regard to Juvenile Justice (Care and Protection of Children) Act 2015, it would include children in variety of situations such as, child labour, children in street situation, child trafficking, drug peddling, child victim of sexual abuse, orphan children and children with disabilities, and so on. This document also highlights rehabilitation plan for children as per the need and requirement. The Juvenile Justice Amendment Act was passed in 2021.

9. Environmental Protection: The National Green Tribunal Act enacted in 2010 aims to address the environmental issues like conservation of forest and other natural resources. By this act, it is envisioned that through a cascade approach environmental concerns can be conceptualised for disseminating awareness among students and all the functionaries. A responsible behaviour in the consumption of resources in a sustainable manner is envisioned. Children of the school going age need to be made aware about India's commitment to combat climate change and mitigate pollution caused by littered single-use plastic. In this very context the Ministry of Environment, Forest and Climate Change has notified the Plastic Waste Management Amendment Rules, 2021. An awareness about the ban imposed on the manufacture, import, stocking, distribution, sale, and use of identified single-use plastic items having low utility and high littering potentials across the country needs to be disseminated through variety of activities. Knowledge about doing away with plastics would help in reducing plastic footprint and encourage children to explore innovative ways of storage and packing of consumable and non-consumable items. The knowledge about Battery Waste Management

Rules, 2022 and also E-Waste Management Rules, 2022 would help in strengthening the holistic understanding of addressing pollution related problems in a pro-active manner.

10. Health and Wellness: The National Food Security Act, 2013 was enacted to ensure food security and proper nutrition for all, including children. The Government is currently running the most extensive legislation based on food security programme in the world covering 80 crores of India's population under this act. Lately, the Government is promoting millet for overall health and wellness. In this regard, the initiative of the Government of India, 2023 has been declared by the UN as the International Year of Millet. India contributes to nearly 20 per cent of the world's total millet production. Millet is also known as 'nutri-cereal'. Its promotion would also help us in addressing some of the Sustainable Development Goals (SDGs) such as, Zero Hunger, Good Health and Well-being, and Sustainable Consumption and Production. Millets are resilient to severe and adverse climatic conditions. Judicious addition of millets in the Mid-day Meal scheme will ensure food with nutrition.

11. Disability Concerns: The Rights of Persons with Disabilities (RPwD) Act, 2016 safeguards the rights of persons with disabilities, including children. This act attempts to strengthen enabling environment for children with special needs or *Divyang* for their holistic development. Enactment of this act ensures that persons with disabilities enjoy the right to equality, life with dignity, and respect for his or her integrity equally with others. The act attempts to protect persons with disability from all forms of abuse, violence and exploitation. It attempts to promote inclusion of persons with disability and mainstream them in the formal and non-formal vocational, and skill training schemes and programmes.

12. Road Safety: The Motor Vehicles Act, 1988 addresses the road safety concerns including provisions for child safety. This act addresses accidents and road rage. As per the Lancet Commission Report on Adolescent, 2016 road injuries were among the top four causes for health loss among young people in the country. Therefore, awareness about traffic rules and regulations is important for preventing all kinds of accidents and related issues.

13. Protection of the Rights of Transgender: Currently, there is no specific legislation in India exclusively dedicated to transgender children. However, transgender individuals are protected under various laws and mechanisms that can provide redressal for transgender children. These include: The Transgender Persons (Protection of Rights) Act, 2019

which safeguards the rights of transgender persons, including children. The Rights of Persons with Disabilities (RPwD) Act, 2016 aims to safeguard the rights of persons with disabilities, including transgender children with disabilities. The Juvenile Justice (Care and Protection of Children) Act, 2015 which focuses on the care, protection and rehabilitation of children, including transgender children.

14. Bullying and Ragging: In India, there are no legal policies that could handle bullying in school. In other words, bullying is not technically illegal. However, if the person commits the act of bullying and then the victim committed suicide, then the bullied will be liable for the abetment of suicide under Section 306 of the Indian Penal Code. In other words, the laws will act only at the consequences of the action. The severe flaw in the legal system makes bullying a recurrent theme in school. However, there are provisions with regard to bullying and ragging in college and universities. Some of these are UGC Regulation on Curbing the Menace of Ragging in Higher Educational Institutions, 2009.

15. Domestic Violence: The Protection of Women from Domestic Violence Act, 2005 provides more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

16. Information Technology or Cyber Laws: Information technology Cyber laws is a very important issue, addressed by the Indian Parliament. For this purpose, Information Technology Act, 2000 was enacted by the Parliament in 2000, which is a comprehensive law with various provisions for the protection against cyber crimes and cyber attacks.



Source: Delhi Police; The Indian Express, June 10, 2023; The Sunday Express, June 25, 2023; The Indian Express, June 5, 2023.

Suggestive Pathways for Redressal and Building Confidence

It is an acknowledged fact that while the enactment of laws and acts are important as preventive and promotive measure to address all forms of deviance, conflict and violence, it is equally important to strengthen the redressal mechanism so that the aggrieved persons gets

timely justice and develops confidence in the judicial system. The newspaper clippings are used to create awareness about various laws and existing redressal mechanisms that can be approached for course corrective actions.

Laws and the Redressal Mechanism

S. No.	Law or Act	Redressal Mechanism
1.	The Constitution of India, 1950	▪ Fundamental Rights, Fundamental Duties, DPSPs
2.	The Juvenile Justice (Care and Protection of Children) Act, 2015	▪ Child Welfare Committees (CWCs) are responsible for handling cases of children in need of care and protection. ▪ Juvenile Justice Boards (JJBs) deal with cases of children in conflict with the law. ▪ State and National Commissions for Protection of Child Rights monitor the implementation of the Act and ensure child welfare.
3.	The Protection of Children from Sexual Offences (POCSO) Act, 2012	▪ Special Courts are set up to conduct trials and ensure speedy disposal of cases. ▪ Child friendly procedures are followed during investigation, trial and rehabilitation. ▪ State Commissions for Protection of Child Rights ensure effective implementation.
4.	The Immoral Traffic (Prevention) Act, 1956	▪ Anti-human Trafficking Units (AHTUs) investigate and prevent trafficking cases. ▪ District Legal Services Authorities (DLSAs) provide legal aid and rehabilitation support to survivors. ▪ State Commissions for Women address trafficking related issues and advocate for the rights of survivors.
5.	The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994	▪ Appropriate authorities at the district level monitor the implementation and take action against violators. ▪ State Medical Councils handle complaints against medical professional. ▪ Central Supervisory Board ensures effective implementation and coordinates with various stakeholders.
6.	The Child Labour (Prohibition and Regulation) Act, 1986	▪ District level task forces are responsible for rescuing and rehabilitating child labourers. ▪ Child Welfare Committees monitor cases of child labour and ensure their rehabilitation. ▪ National and State Commissions for Protection of Child Rights address child labour-related issues.

7.	The Prohibition of Child Marriage Act, 2006	▪ Child Marriage Prohibition Officers (CMPOs) ensure the prevention and reporting of child marriages. ▪ Child Welfare Committees intervene in cases of child marriages and provide support to affected children. ▪ National and State Commissions for Protection of Child Rights address child marriage related issues and advocate for child rights. ▪ Government helpline numbers in each State or Centre along with registered NGOs work for this issue.
8.	The National Food Security Act, 2013	▪ District Grievance Redressal Officers (DGROs) address complaints related to food security. State Food Commissions monitor the implementation and grievance redressal under the act.
9.	The National Green Tribunal Act, 2010	▪ The National Green Tribunal (NGT) handles cases related to environmental protection. The NGT has the power to issue orders, fines and compensation related to environmental damage affecting children. ▪ Seven laws mentioned in Schedule I of the NGT Act. ▪ Benches of the Hon'ble Tribunal and its powers (evidence, suo moto cognizance, etc.). ▪ Stockholm Conference and Art 253.
10.	National Action Plan for Climate Change (NAPCC), 2008	▪ NAPCC aims at creating awareness on the threat posed by climate change. It has outlined various missions, for example, National Mission for a Green India, National Mission on Strategic Knowledge for Climate Change, National Solar Mission, etc., to counter it. ▪ Common but Differentiated Responsibility and Respective Capabilities(CBDR). ▪ International or global convention and treaties on climate change and environment.
11.	The Rights of Persons with Disabilities (RPwD) Act, 2016	▪ District-level Committees monitor the implementation of disability rights. ▪ State level Commissions for Persons with Disabilities address complaints and promote the rights of persons with disabilities. National level bodies such as, the National Commission for Protection of Child Rights, ensure the inclusion and welfare of children with disabilities.
12.	The Motor Vehicles Act, 1988	▪ State and Union Territory Transport Departments enforce traffic rules and regulations. Traffic Police monitor and enforce road safety measures. ▪ Online *challans* and Lok Adalats.

13.	The Preservation of Trees Protection Act	▪ By restricting tree felling to certain instances, the act hopes to prevent the needless removal of trees. ▪ Not every State has this act, so the process of complaint, permit applications, grants, etc., varies in every State.
14.	The Wildlife (Protection) Act, 1972	▪ A framework established by law to conserve different wild animal and plant species, manage their habitats, and regulate and control the trade in such species and the products derived from them. ▪ The National Board for Wildlife ▪ Human-animal conflict.
15.	The Prevention of Cruelty (to Animals) Act, 1960	▪ An act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals. ▪ Animal Welfare Board of India.
16.	Intellectual Property Rights (Copyright Act or Patents Act, etc.)	▪ Copyright infringement. ▪ Trade mark, patent, design infringement. ▪ Plagiarism—use of Artificial Intelligence and social media.
17.	Information Technology Act, 2000	▪ An act to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as 'electronic commerce', which involve the use of alternatives to paper-based methods of communication and storage of information to facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Banker's Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934, and for matters connected therewith or incidental thereto. ▪ Cyber security, cyber crime, redressal system ▪ The Digital Personal Data Protection Act, 2023 ▪ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021—definition of child, content, online gaming, etc. ▪ Right to Privacy (through case study).
18.	The Consumer Protection Act, 2019	▪ An act to provide protection of the interests of consumers and for the said purpose, to establish authorities for timely and effective administration, and settlement of consumers' disputes and for matters connected therewith or incidental thereto.

19.	The Ancient Monuments and Archaeological Sites and Remains Act, 1958	▪ An act to provide for the preservation of ancient and historical monuments and archaeological sites, and remains of national importance for the regulation of archaeological excavations, and for the protection of sculptures, carvings and other like objects. ▪ Constitution of National Monuments Authority ▪ Penalties: Whoever destroys, removes, injures, alters, defaces, imperils or misuses a protected monument, shall be punishable with imprisonment.
20.	The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA)	▪ An act to prohibit the advertisement of and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products, and for matters connected therewith or incidental thereto. ▪ Apart from the Central Act, State legislative assemblies have also enacted laws on prohibiting the use of tobacco, for example, the Tamil Nadu Prohibition of Smoking and Spitting Act, 2002.
21.	Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.	▪ Act of 2019 Prohibiting the Sale, Distribution and Advertisement of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, and Storage). The act's main goal is to make it illegal to produce, manufacture, export, import, store, distribute, and advertise electronic cigarettes. However, many State and Union Governments had already banned e-cigarettes before the act went into effect.
22.	The Narcotic Drugs and Psychotropic Substances Act, 1985	▪ An act to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances, to provide for the forfeiture of property derived from or used in, illicit traffic in narcotic drugs and psychotropic substances to implement the provisions of the International Conventions on Narcotic Drugs and Psychotropic Substances and for matters connected therewith.
23.	The Arms Act, 1959	▪ Section 2 (c) 'arms' means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharpedged and other deadly weapons, and parts of, and machinery for manufacturing arms, but does not include articles designed solely for domestic or agricultural uses such as, a *lathi* or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons.

		▪ Section 9: Prohibition of acquisition or possession by, or of sale or transfer to young persons and certain other persons of firearms, etc. ▪ Section 25: Punishment for certain offences.
24.	Indian Penal Code (IPC), 1860 now Replaced as Bharatiya Nyaya Sanhita, 2023	▪ Comprehensive code intended to cover all substantive aspects of the penal laws, laws related to crime against women and children along with Information Technology loss.
25.	Code of Criminal Procedure (CrPC) Now replaced as Bharatiya Nagarik Suraksha Sanhita, 2023	▪ Comprehensive code delineating the criminal laws and the right of arrests in India. ▪ Right to Bail— S.436–439. ▪ S.41 and S.50 of CrPC.
26.	Right to Education Act, 2009	▪ To provide free and compulsory education of all children, in the age group of 6–14 years. ▪ Every child has a right to full time elementary education of satisfactory and equitable quality in a formal school.
27.	Alternate Dispute Resolution Mechanism	▪ Permanent Court of Arbitration (PCA). ▪ Arbitration and Conciliation Act, 1996. ▪ The Legal Services Authority Act, 1987. ▪ Arbitration, conciliation, mediation, negotiation and Lok Adalat are just a few of the different techniques of dispute resolution offered by ADR.
28.	Human Rights and Institutions	▪ United Nations ▪ International Court of Justice ▪ UNICEF ▪ UNESCO ▪ WHO ▪ Universal Declaration of Human Rights (UDHR) ▪ The United Nations Convention on the Rights of the Child, 1989 ▪ International Covenant on Economic, Social and Cultural Rights (ICESCR) ▪ The Geneva Conventions ▪ The Protection of Human Rights Act, 1993: An act to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States for better protection of human rights and for matters connected therewith or incidental thereto.
29.	Government Institutions for Grievance Redressal	▪ Judicial Institutions (Courts), tribunals. ▪ Ministries and departments (MHA, MoEF&CC, etc.). ▪ Administrative institutions (Police, CBI, ED). ▪ Commissions and Committees (NHRC, NCDRC, CWC, etc.)

While these are the existing redressal mechanisms, in order to make children aware about human rights, constitutional values, there is a need to adopt child-friendly and participatory pedagogical methodologies. These can be done in a collaborative, creative and in an exploratory way for students. This could include preparing posters, designing messages on laws covering school stages, debates on contemporary laws, quiz competitions, creative writing, newspaper reading, essay competitions, organising discussions on case studies of contemporary relevance, and so on. Children can be encouraged through activities and organising sessions—on how to file an FIR, what is writ petition, how and to whom to register complaints, and information related to various helpline numbers. Youth clubs can be constituted and wherever they are functioning, efforts must be made to promote peer interaction with a focus on harmony and nurturing relationship. These clubs can help in undoing myths and misconceptions regarding growing up, awareness about health and well-being and inculcating team spirit for a variety of tasks.

Additionally, participation in workshops organised by various stakeholders such as, police personnel, traffic officials and members of Non-governmental Organisations (NGOs) could be thought of, for promoting legal literacy. Eminent and practising psychologists and counsellors can also be engaged for addressing emotional conflicts. The teacher, parents and members of the community can come together in a pro-active manner to identify and understand symptoms and signs related to depression, suicidal tendencies, aggression, bullying, being abusive and abused, and those who are showing maladjustment signs.

Legal awareness for parents and guardians would help in making their children internalise values of caring and sharing, and respecting the rights and duties of all and voice injustice perpetrated to them, if any, without any fear of being intimidated. This can be done through online and face-to-face mode by engaging lawyers dealing with live cases concerning issues of children in their growing years. Awareness can be promoted by roping in eminent persons conversant on issues of law covering the self and the community. This can be facilitated through organisation of *nukkad natak* or street plays, popular songs having legal overtones and case studies of contemporary relevance which the child can relate to. Audio-visuals including cinema, videos, documentaries, short films, etc., can be considered, especially in the regional languages for disseminating legal

messages and making the community legally aware on issues related to conflict, violence, dignity and discrimination, and also the overall violation of rights.

Legal literacy can also be integrated into the curriculum and its transaction to strengthen the inter-disciplinary perspective regarding law as an agency of social change. School administration, teachers and counsellors can be encouraged to facilitate conversations among adolescents with regard to the responsible sexual behaviour in the context of culturally appropriate practices and respecting each other's boundaries.

In the era of globalisation, linking legal literacy with technology is crucial to address the digital divide, infrastructure gaps, data privacy, cybercrimes effective regulatory frameworks, promoting professional ethics, and many technology related issues to facilitate justice and an enabling environment. Thus, legal literacy has come to occupy a prominent space in all discourses in educational institutions making it interdisciplinary and applied area for making children law abiding citizens and in addressing challenges of life in a responsible manner. Legal awareness is an emerging critical skill of the twenty-first century. This skill would help in promoting positive reinforcement and overall personality development of the children.

Themes of the Handbook

Introduction to the Handbook

Democratic Participation and Electoral Awareness

The Indian democratic ethos is rooted in the election system. Presently, each and every individual who is the citizen of the country and has attained the age of 18, has the right to vote. The founding fathers laid a strong pillar of democracy by providing Universal Adult Franchise. Since independence several general elections have been held for State Legislative assemblies. The elections in India are regulated by the Election Commission of India, which is a constitutional body. Presently, the electoral process in India is the largest in the world covering over a million polling stations and about crores of voters. In order to ensure free and fair elections, it is important to educate all stakeholders including youth not only to participate but be acquainted with procedures, information about contestants, i.e., their representative and the confidence of exercising their vote independently. The National Curriculum Framework for School Education, 2023 has emphasised on democratic and community participation

as a pillar of strengthening the democratic ethos. School education should help in promoting knowledge, capacities, values and dispositions that strengthen the democratic functioning in India. This can be done when students are made to realise that participation through voting is an important part in the functioning of democracy.

Juvenile Justice System in India

The future of a nation rests on its children. The safety and all-round development of children is of paramount importance for any country. As per the 2011 Census of India, 39 per cent of the total population of the country is less than 18 years of age. Various legislations, policies and programmes have been initiated from time to time for care and protection of children. However, lack of adequate knowledge, skill and attitude on the part of multiple stakeholders poses challenge at the level of implementation. There is an immediate need for sensitisation and changing attitudes of everyone about the juvenile justice. There is also an urgent need for effective implementation of laws for safety, protection and welfare of children. If children are provided with a safe environment that is conducive for their overall growth and development, then children grow up to be responsible citizens that contribute to the progress of the nation. The National Education Policy, 2020 has given emphasis on ensuring safety of children, particularly girls in, their growing years. Concerns of substance or drug abuse, all forms of violence, and thrust on efficient mechanism for reporting has been emphasised in the National Curriculum Framework for School Education, 2023.

Gender Justice: A Vehicle for Transformatory Social Change

Gender is emerging as an important area of contemporary concern. Equity entails the accessibility of resources for everyone according to their needs. Article 14 of the Indian Constitution affirms equality before law that is, all are equal before the eyes of law without any discrimination on the basis of caste, colour, creed, ethnicity, sex, gender, and place of birth. Also, a very progressive statement defines the essence of equality that reads as equity—Law Treats Equals Similarly and Unequals Differently. To achieve equality both in context, process and holistic development, gender needs to be given the top priority.

Empowering CWSN through Legal Literacy

Equity and inclusion are an integral part of the Constitution of India. The Preamble to the Constitution emphasises on

justice, liberty, equality, and fraternity to all citizens from diverse backgrounds. This focus would help in ensuring the well-being and dignity of all. The concern for Children with Special Needs (CWSN) has been woven into the National Education Policy (NEP), 2020. The policy refers to achieving quality and inclusive education for all. In the context of CWSN, there is a special reference to them as *Divyang*. The policy states that concerted efforts need to be made to integrate their issues and concerns, so that they are retained in the schooling system and complete their education without any hindrances or impediments. It is envisioned that children, who are in receipt of education are empowered, have self-esteem, confidence and are gainfully employed as per their skills. This would enable them to contribute towards the betterment of the self, family and society.

Legal literacy would play a significant role in making the CWSN aware of their rights and duties, along with other stakeholders that include parents, teachers, community members and so on. Further, it would commit all citizens to working towards shaping a better tomorrow with a human touch and promoting the values of caring and sharing.

The Government of India has conceptualised several schemes for the holistic development of CWSN. The more prominent one is Samagra Shiksha Abhiyan (2018–19) which focuses on providing overall quality education to CWSN. Interventions under this scheme lay thrust on provisions of aids, appliances, corrective surgeries, braille books, e-books large print books, and uniforms. This would go a long way in meeting the direct cost of education that often hinders parents from continuing the education of their children. The scheme also includes therapeutic services, the development of TLM, assistive equipment, and so on. It also emphasises on strengthening sensitivities regarding the infrastructure facilities as per the needs of the CWSN.

The other areas comprise the orientation of teachers and administrative staff for better understanding of the requirements of CWSN. All capacity-building programmes aim to orient teacher educators and teachers on integrating concerns and needs of CWSN into the classroom and the schooling processes. Another significant initiative in this direction is the Accessible India Campaign (Sugamya Bharat Abhiyan) by the Department of Empowerment of Persons with Disabilities (DEPwD). Herein, the DEPwD is collaborating with the Ministry of Home Affairs, the Ministry of Health and Family Welfare, and the Ministry of Tourism to collectively help in the creation of 'Accessible Police Station',

'Accessible Hospitals' and 'Accessible Tourism', respectively across the country.

The implementation of these schemes along with a commitment to the SDGs, such as, SDG 3: Good Health and Well-being, SDG 4: Quality Education, SDG 5: Gender Equality, SDG 10: Reducing Inequalities, and SDG 16: Peace, Justice and Strong Institutions will help in carving a pathway for bridging all gaps between policies and practice for the betterment of all children in particular CWSN. Recently, G20's discussion on the Delhi Declaration emphasised on ending all kinds of exclusion and strengthening efforts towards a more inclusive society.

Protection of Children from Sexual Offences Act, 2012

Every child has the right to live free from violence, abuse and exploitation. Violence against children is widespread and remains a harsh reality for millions of children from all socio-economic backgrounds. Children experience different forms of violence and abuse in homes, schools, community and online. It is a grave issue concerning the well-being and future of a society's most vulnerable members. Any form of violence or abuse may have lifelong consequences and repercussions on the overall development of children. Efficient, effective and timely prevention and protective frameworks are essential to combat different forms of violence and abuse, and to ensure a child's overall well-being and development. It is the responsibility of all stakeholders to work together, to provide a safe and conducive environment for all children. In India, significant steps have been taken and mechanisms have been put in place to ensure safety and protection of children from abuse and violence. The most prominent legislation to protect children from abuse is the Protection of Children from Sexual Offences Act, 2012 (POCSO). The POCSO Act deals with preventing sexual offences against children, prescribes appropriate punishments and penalties, and sets up child-friendly legal processes.

Road Safety for Children and Adolescents—A Pathway to a Safer Future

This theme is designed to help children become safe and responsible road users. Whether they are walking to school, riding a bicycle or travelling in a car, road safety is essential for everyone. India's roads are bustling with activity and with ever-increasing vehicular traffic, the safety of our children and adolescents on the roads has emerged as a paramount concern, thus, it is imperative to understand how to stay safe

in this environment. There are many pedestrian accidents each year. These accidents can result in injuries and even loss of life. But the good news is, by learning about road safety, you can help reduce accidents and keep yourself and others safe. Hence, recognising the unique vulnerabilities of children and adolescents in traffic scenarios, this module delves into the multifaceted dimensions of 'road safety for children and adolescents' from the nuances of pedestrian behaviour to the role of parental guidance and community initiatives, it aims to shed light on the importance of the culture of awareness and responsibility. Moreover, the emphasis will be on understanding the specific challenges faced by this demographic, understanding effective strategy for prevention, and advocating for collective efforts to create environments where the roads become pathways without compromising the safety of our young road users.

Safe School Environment

This theme highlights the importance of enabling environment for holistic personality development. It attempts to strengthen positive environment that encourages social interactions and creative learning. It also helps in promoting the health and well-being of the people. The theme deals with physical safety, emotional well-being, management of natural disasters, overall safety concerns in playgrounds, sports grounds, laboratories, and transport management and safety.

Conservation of Environment with the Help of Laws and Ethical Practices

People throughout the world are subjected to infringement of their rights to health, food, water, and other basic resources because of environmental degradation and climate change. Children should be given the knowledge and tools necessary to comprehend environmental issues and effectively deal with them through educational programmes. To find rapid and efficient answers, we should also collect data on environmental dangers to children and make it freely available to the public. We must devise strategies for redirecting human conduct from environmentally detrimental behaviours and towards environmentally benign ones to effectively tackle this issue. By promoting a basic understanding of the environmental laws and international conventions, we can work towards establishing a healthy and ecologically sustainable system.

Cyber Security and Information Technology

The rising advancement of Information Technology and the emergence of digitalisation has brought about a dynamic transformation in the education sector. With the growth of cyber spaces, internet and online interaction, digital innovation and creativity in education has increased manifold. However, the penetration of digital media and the expansion of cyber-technology has created a formidable ground for the misuse of these cyber spaces against the children and has thus, led to the necessitation of cyber security in schools. It is, hence, the dire need of time to sensitise our students, teachers and parents alike to the vulnerabilities of the Internet and make them aware of the cyber risks and attacks that can target children. One of the SDGs promoted by the United Nations (UN), talks about ensuring inclusive and equitable quality education and promote lifelong learning opportunities for all. In the rising tech-savvy world, which is rapidly evolving, cyber security is essential to keep the inclusive and diversified education intact, and not allow children to succumb to the exposure of the internet, data breach, data manipulation, etc. However, it should not deter children from using the online spaces. Instead, they should be equipped and well-prepared to face such challenges and obstacles effectively and efficiently in order to ensure their mental, psychological and emotional well-being.

To wear down codified offence cases against the cyber attacks in India, the Government of India has enacted a special law, namely, the Information Technology Act, 2000 (IT Act) to significantly deal with cybercrimes and crimes related to IT. The IT Act, 2000 is a comprehensive law with various provisions for the protection against cyber-crimes and safeguarding the interest of people against cyber-attacks.

International Convention on Human Rights, Child Rights and Equality

Imparting legal education to children contributes in their overall personality development, confidence and a sense of security. Students will learn the value of respect, rights and duties through this module, encouraging them to live by these principles. Self-conscious students and citizens tend to be more appreciative of other's rights, as well as more aware and protective of their socio-political environment and rights. A peaceful, healthy and sustainable socio-economic system becomes possible through basic awareness and knowledge of international agreements applicable to signatory countries.

International agreements govern and guide a diverse range of people and are applicable to all countries that have signed or ratified them. This curriculum was developed through a combination of qualitative research and literature review. Efforts have been made to create a welcoming, engaging, and informative module for instructors, students and parents, using straightforward language and factual content. Furthermore, this module aligns with the goals of the National Educational Policy, 2020 and contributes to achieving the SDGs. It covers global agendas and well-crafted treaties that can be implemented at local, national and regional levels across diverse cultural contexts. Providing children with legal education contributes to their comprehensive personal development. Therefore, it is essential for all citizens to possess a foundational understanding of this subject.

Dynamic Jurisprudence

This theme focuses on the enactment of the Bhartiya Nyaya Sanhita, 2023, Bhartiya Nagarik Suraksha, 2023 and Bhartiya Sakshya Adhiniyam, 2023. It attempts to update and streamline our criminal justice system to better meet the needs of the digital era. Policies like the implementation of e-FIRs and the audio-video recording of search and seizure operations improve openness, encourage police accountability and protect people's rights—by removing jurisdictional restrictions. Further, this section also highlights that the recent enactment enables anyone to register complaints at any police station, the zero FIR idea speeds up the judicial system and increases accessibility for all citizens. India's new criminal laws are a big step in the direction of a victim-centered, open and effective judicial system. All three new laws have been brought on the basis of the basic principles of justice, equality and fairness. These laws create the groundwork for a society that is more just and equitable by embracing contemporary technologies, defending individual rights and encouraging inclusivity.

The last section is the concluding remark.

References

Express News Service. 2023. Objecting to Friend's Harassment, DU Student Stabbed to Death Outside College. The Indian Express. https://indianexpress.com/article/cities/delhi/19-year-old-du-student-stabbed-to-death- outside-college-8671402/

———. 2023. Coach Booked for Sexually Harassing Minor. The Indian Express. https://indianexpress.com/article/cities/lucknow/coach-booked-for-sexually-harassing-minor-8671618/

Garg, A. 2022. 1 cr Kids into Substance Abuse, Govt Informs SC. The Times of India. https://timesofindia.indiatimes.com/india/1-5-crore-kids-into-substance-abuse-govt-informs-supreme-court/articleshow/96207960.cms

Government of India. 1956. The Immoral Traffic (Prevention) Act, 1956. Ministry of Law and Justice (Legislative Department). https://lddashboard legislative.gov.in/sites/default/files/A1956-104.pdf

———. 1986. Environment Protection Act, 1986, No. 29 of 1986. Ministry of Environment and Forests, Department of Environment, Forests and Wildlife. https://moef.gov.in/wp-content/uploads/2017/06/eprotect_act_1986.pdf

———. 1986. The Child Labour (Prohibition and Regulation) Act, 1986. Ministry of Labour and Employment. https://labour.gov.in/sites/default/files/act_3.pdf

———. 1994. The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse Act, 1994. Parliament of India. https://www.indiacode.nic.in/bitstream/123456789/8399/1/pre-conception-pre-natal-diagnostic-techniques-act-1994.pdf

———. 2005. The Gazette of India: PART II, Section 1. The Right to Information Act, 2005, No. 22 of 2005. Ministry of Law and Justice (Legislative Department). https://rti.gov.in/rti-act.pdf

———. 2007. The Gazette of India: PART II, Section 1. The Prohibition of Child Marriage Act, 2006, No. 6 of 2007. Ministry of Law and Justice (Legislative Department). https://wed.nic.in/sites/default/files/cma2006.pdf

———. 2009. The Right of Children to Free and Compulsory Education Act, 2009. Ministry of Education. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf

———. 2012. The Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012. Ministry of Law and Justice (Legislative Department). https://wed.nic.in/sites/default/files/POCSO%20Act%2C%202012 pdf

———. 2013. The Gazette of India: PART II, Section 1. The National Food Security Act, 2013, No. 20 of 2013. Ministry of Law and Justice (Legislative Department).

———. 2015. The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 OF 2016. Ministry of Law and Justice (Legislative Department). https://wed.nic.in/sites/default/files/The%20Juvenile%20Justice%20%28Care%20an d%20Protection%20of%20Children%29%20Model%20Amendment%20Rules%2C%202022.pdf

———. 2016. The Rights of Persons with Disabilities Act, 2016, No. 49 of 2016. Ministry of Law and Justice, (Legislative Department). https://disabilityaffairs.gov.in/upload/uploadfiles/files/RPWD%20ACT%202016.pdf

———. 2019. The Gazette of India: PART II, Section 1. The Transgender Persons (Protection of Rights) Act, 2019, No. 40 of 2019. Ministry of Law and Justice (Legislative Department). https://socialjustice.gov.in/writereaddata/UploadFile/TG%20bill%20gazette63763176 4960930587.pdf

———. 2020. National Education Policy 2020 (NEP). Ministry of Human Resource and Development. https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf

Kulshreshtha, P., and Tiwari, G. 2023. Transforming Legal Education by Embracing Tech Innovations in the Global Era. The Times of India. https://timesofindia.indiatimes.com/education/news/transforming-legal-education-by-embracing-tech-innovations-in-the-global-era/articleshow/101448870.cms

National Council of Education Research and Training. 2013. Training Material for Teacher Educators on Gender Equality and Empowerment. *Gender and Women's Empowerment Volume III*. New Delhi.

———. 2019. Training and Resource Materials. *Health and Wellness of School Going Children*. New Delhi

Nayar, U. 1997. Resource Material: Legal Literacy for Educational Personnel with Focus on Women and Girls. National Council of Educational Research and Training, New Delhi.

Times News Network. 2023. Class X Girl Molested by Maths Tutor in Dwarka. The Times of India. https://timesofindia.indiatimes.com/city/delhi/class-x-girl-molested-by-maths-tutor-in-dwarka/articleshow/100459890.cms?from=mdr

———. 2023. Educated Youth Leading Use of E-cigarettes, Finds Study. The Times of India. https://timesofindia.indiatimes.com/india/educated-youth-leading-use-of-e-cigarettes-finds-study/articleshow/97409196.cms?from=mdr

THEME 2

DEMOCRATIC PARTICIPATION AND ELECTORAL AWARENESS



DEMOCRATIC PARTICIPATION AND ELECTORAL AWARENESS

Learning Outcomes

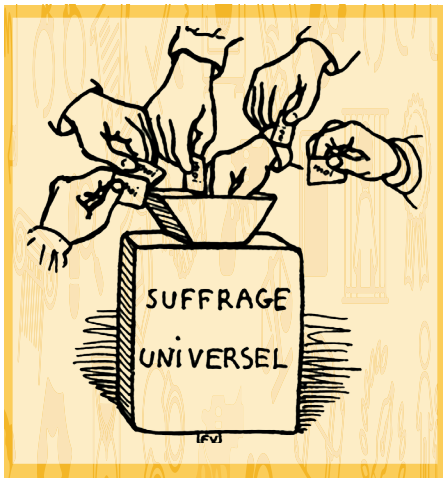
After going through this theme, you will be able to:

- Understand the electoral system in India.
- Compare and contrast Lok Sabha election processes held since 1952.
- Analyse the causes that have made elections in India free and fair.
- Apply their understanding of processes of voting by participating in elections.

Introduction

The Indian democratic ethos is rooted in the election system. Presently, each and every individual who is the citizen of the country and has attained the age of 18 has the right to vote. The age of contesting elections is 25 years. The founding fathers laid a strong pillar of democracy by providing Universal Adult Franchise. Since independence, 17 General Elections have been held. The elections in India are regulated by the Election Commission of India which is a constitutional body. Presently, the electoral process in India is the largest in the world covering over one million polling stations and about 95 crore voters. In order to ensure free and fair elections, it is important to educate all stakeholders including youth, not only to participate but be acquainted with procedures, information about contestants, i.e., their representative and the confidence of exercising their vote independently.

- Universal Adult Suffrage: The right of all adult citizens to vote in an election.
- The Representation of People Act, 1950 guides the basic requisites for election. It includes delimitation, allocation of seats and preparation of electoral rolls.



Source: https://commons.wikimedia.org/wiki/File:Suffrage_universel.png

- The Representation of People Act, 1951 provides for the actual conduct of elections of India including the rules of registration for the political parties and electoral dispute resolution mechanism.
- The National Voter's Day is celebrated on 25 January every year.

Source: Mainstreaming of Electoral Literacy in Educational Institutions (Secondary and Senior Secondary Level). 2022. The Election Commission of India. New Delhi, pg. 9)

The significant articles of the constitution related to the elections are:

Article 324	Provides for the Election Commission of India, its powers and functions, and maintenance of electoral rolls, conduct of election to the Parliament, State legislatures, and the Office of the President and the Vice President.
Article 325	Provides that no person shall be ineligible for inclusion in the electoral roll on the grounds of religion, race, caste or sex.
Article 326	Provides for Universal Adult Suffrage to be the basis of election.
Article 327	Empowers the Parliament to make laws in connection with elections, delimitation and all matters necessary for securing the due constitution of Houses.
Article 328	Empowers the State Legislatures to legislate on elections to their own houses, subject to the provisions of the Constitution and the Parliamentary Legislation.
Article 329	Provides for barring any interference by courts in electoral matters and proper handling of disputes.

Rationale

Electoral literacy is the need of the hour. Every citizen of the country needs to be fully aware that their participation in the decision-making processes is important for the development and welfare of the country. In this regard, educating the self about the importance of voting, its processes for building a better tomorrow is of prime importance. This theme would deliberate upon the different procedures to be followed during elections from the very inception to the final conception to make it free, fair and inclusive for all.

India as a robust democratic country is committed to all SDGs particularly SDG 16 that ensures peace, justice and strong institutions. The National Education Policy, 2020 has mentioned that participatory processes, decision making and consensus building can only be achieved, if every citizen of

the country exercises their franchise right. This will help in translating constitutional values of justice and equality in all spheres that would initiate transformatory changes geared towards quality life for all. The Indian election system has had a positive trajectory of development. Elections at the Central and State level, by and large, have been peaceful. The voters are actively participating and their numbers have grown over the years. Elections in India have been truly inclusive. Electoral malpractice and rigging are rare and minuscule. Regularity of elections has earned India a name for itself (Indian Constitution: Textbook for Political Science, Grade XI, p. 74).

In order to encourage voting, initiatives like *Udaan* by the Election Commission of India have helped in promoting awareness among the citizens of India. *Udaan* is related to photo information marathon for voting awareness.

Electoral literacy strengthens human rights and helps in exploring pathways for addressing variety of challenges plaguing human society from time to time. A topic on electoral awareness would encourage the readers to explore similarities and differences of voting system in India and in other democratic institutions of the world.

Know about the Election Commission of India

- Election Commission of India (ECI) was established on 25 January 1950.
- The ECI consists of Chief Election Commissioner and such number of Election Commissioners as the President of India may decide.
- The Constitution ensures the tenure of the Chief Election Commissioner. They are appointed for six years term and continue till the age of 65.
- Election Commissioner can be removed by the President of India.
- The first Chief Election Commissioner of India was Shri Sukumar Sen, who served from 21 March 1950 to 19 December 1958.
- The first Chief Election Commissioner of India assumed charge on 21 March 1950.

(Source: Mainstreaming of Electoral Literacy in Educational Institutions (Secondary and Senior Secondary Level). 2022. The Election Commission of India. New Delhi)

The main responsibility of conducting elections rests with the Election Commission of India. Article 324 empowers this commission to maintain electoral rolls, conduct elections to the Parliament and State Legislatures, and the Offices of the President and the Vice President. Other functions of the

Election Commission are:

- Supervising and updating voter's list.
- Timing of elections and preparation of election schedules.
- Ensuring that the process followed during the elections is free and fair.
- Implementing a Model Code of Conduct for parties and candidates.
- Providing recognition to political parties and allocating symbols.
- During elections, the ECI can take the help of administrative officers drawn from the State and Central Government and can assign them duties for conduct of elections.

Description

This theme highlights the importance of voting in strengthening democracy. It focuses on the importance of an informed youth who can make right decisions when exercising their franchise. The process of election is thus, deliberated upon in this theme

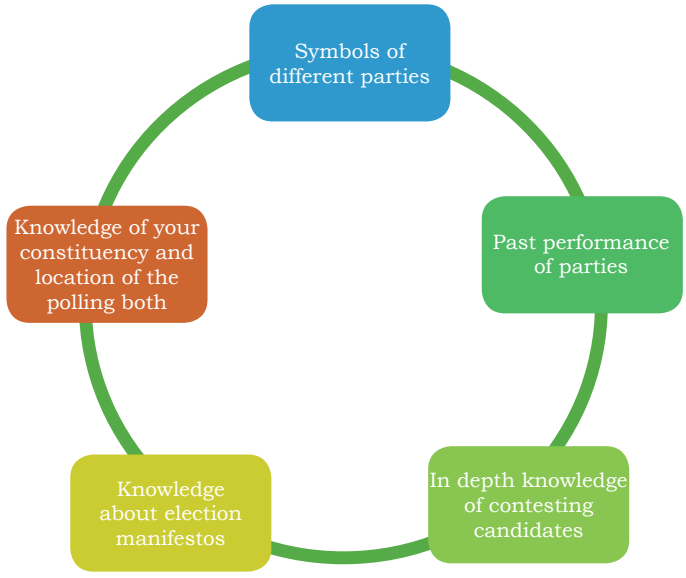


Fig. 2.1: Knowing the details of voting

Inter-ministerial Linkages

The domain of electoral literacy is a cross cutting concern and therefore, the information related to it is addressed by different ministries of the Government. They are the Ministry of Education, Ministry of Communications, Ministry of Electronics and Information Technology, Ministry of Law and Justice, Ministry of Panchayati Raj, Ministry of Parliamentary Affairs, Ministry of Social Justice and Empowerment, Ministry of Women and Child Development, and so on.

Let's now discuss what we need to be aware about?

Importance of Educating Youth on Voting Rights

- Making the citizen aware in exercising their rights in the decision making process.
- Consensus building.
- Welfare of fellow citizens.

- Addressing challenges amicably.
- Giving voice to all, irrespective of their socio-economic origins, region and faith.
- Every vote counts in the progress and development of the nation.
- Helps in deciding who will be the true representative.

Redressal Mechanism

- National Grievance Service Portal (NGSP): Through this portal a complaint can be lodged on issues related to the elections or other non-related issues. Online complaints can be registered on this portal.
- Voter's Helpline App: One can lodge their grievance by using the mobile app. This app will help in accessing relevant information.
- The voter's helpline number, i.e., 1950 can be dialed by any citizen with any query and complaint.
- SMS services on 1950 can also be availed.
- PwD app can be used for the purpose of registering as electors. This app also provides doorstep facilitations.

(Source: https://eci.gov.in/contact-us/ngsp/national-grievance-services-portal-r3/)

Activities to Ponder and Reflect: Quiz

1. Which articles of the Indian Constitution contain information about election and related institutional mechanism?
   a. 324, 325 and 326
   b. 312, 313 and314
   c. 298, 299 and300
   d. 355, 356 and357
2. Which article provides for Universal Adult Suffrage?
   a. 324
   b. 326
   c. 328
   d. 329
3. What is the tenure of Lok Sabha and the State Legislative Assembly?
   a. 4 years
   b. 5 years
   c. 6 years
   d. 4–5 years
4. How many women were part of the Constituent Assembly?
   a. 14
   b. 15
   c. 16
   d. 17

5. Strategic electoral reforms have been introduced through which Election Law Amendment Act?
   a. 2018
   b. 2019
   c. 2020
   d. 2021

6. What is the legal age for voting in India?
   a. 17
   b. 18
   c. 19
   d. 20

7. Who are NOT eligible for the postal ballot?
   a. Persons with disabilities
   b. Senior citizens above the age of 80
   c. Youth
   d. Electors employed in notified essential services

8. Can you recall the Voter Helpline Number?
   a. 1950
   b. 1951
   c. 1952
   d. 1953

9. Which of the following Apps is not used by the Election Commission of India?
   a. Candidate app
   b. Voter's Helpline app
   c. Saksham
   d. DIKSHA

Answer Key:

1. a, 2. b, 3. b, 4. b, 5. d, 6. b, 7. c, 8. a, 9. d

Messages

- Exercise your vote for a committed and responsible government.
- Voting rights: Kernel to participatory democratic process.
- Make voting inclusive and accessible for all.
- Voting for accountable, transparent and responsive Government.
- Strengthen unity in diversity through free and fair elections.

You may also prepare messages and posters to encourage your peers, neighbours and family members to exercise their voting rights.

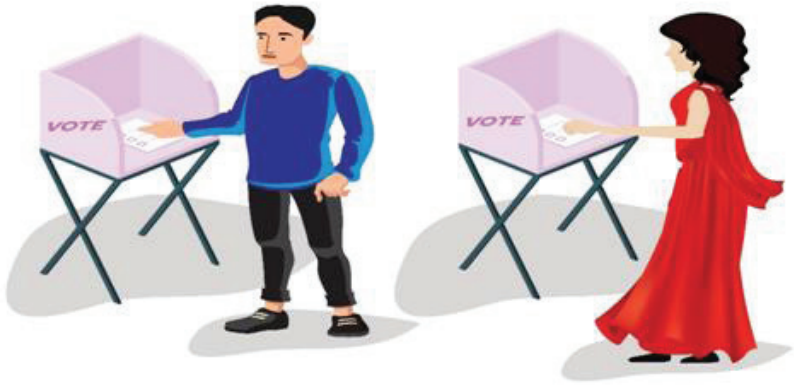
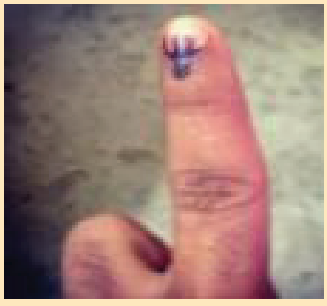


Fig 2.2: Exercising my voting right (Credit: Mr. Naresh)

Did you know?

Where is the election ink prepared that is used to mark the finger after casting the vote?



Source: https://commons.wikimedia.org/wiki/File:A_voter_finger_inked_in_Indian_elections_2013.jpg

Case Studies

Case 1

Raju and Seema were discussing among themselves about the interface of technology with the election system. They identified several facilitative apps for encouraging voters to cast their votes. Both of them discussed and penned their thoughts to be shared through WhatsApp with their friends. Seema details out the mobile and web applications, which she read online on the website of the Election Commission of India. She mentioned that it was highly educative for her and she wanted to share this with all for increasing awareness on being electorally literate.

Mobile Applications	Web Applications
▪ Know Your Candidate ▪ Candidate App—Election Permission ▪ Nodal App—Election Permission ▪ Voter Turnout Apps ▪ Booth App ▪ cVIGIL Mobile Apps	▪ Candidate Nomination Application ▪ Candidate Scrutiny Application ▪ Election Permissions Portal ▪ Voter Turnout ▪ Election Counting Application ▪ Results Trends TV ▪ Index Card and Statistical Reporting ▪ Expenditure Monitoring ▪ cVIGIL Portal

▪ Voter Helpline App ▪ Saksham	▪ MCC Relaxation and Violation Portal ▪ EVM Management System (EMS) ▪ ECI Website ▪ SVEEP WEBSITE *Source: https://eci.gov.in/it-applications/web-applications/sveep-website-r19/*

Case 2

It was election time. There was a group of friends who were newly registered voters and voted for the first time. Among them a young girl faces locomotor disability. Although, she has registered herself as a voter but she shared her inability to go and vote. One of her friends noticed this and asked Radha why she was worried. Radha told her that she wishes she could also go and vote like the others. Her friend enthusiastically told her that she can also vote like everyone in the elections, thanks to the efforts of the Election Commission of India and their remarkable initiatives to make elections inclusive and accessible for all. Some of the provisions include:

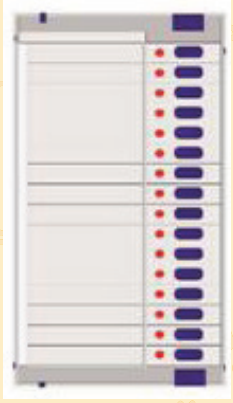


Fig. 2.3: Electronic Voting Machine

- EVM's with Braille print are provided at the polling stations for visually impaired PwDs.
- Priority is given in access along with special volunteers who are sensitised for helping PwDs.
- Dissemination of important information regarding officials.
- Braille supported guides.
- Mapping of PwDs and providing them free transport.
- Provision of wheelchair.
- Assured minimum facilities at the polling stations.
- Appointment of disability coordinators at assembly constituency, at district and state level.
- Sign language window for the convenience of the deaf person.

[Source: Mainstreaming of Electoral Literacy in Educational Institutions (Secondary and Senior Secondary Level). 2022. The Election Commission of India. New Delhi]

Did you know?

None of the Above (NOTA) option is also there in the EVMs. It is present below the name of the last candidate. It is for the voters who do not want to vote for any candidate.

Points for Discussion

- You may discuss with your friends and write in your words, how provisions for PwDs has strengthened democratic participation.
- You may discuss with your parents, neighbours, etc., on different facilities provided by the ECI and how they avail such facilities.



Fig. 2.3: Voting for all

Case 3

In a classroom discussion on voting in India, Reena, a student of Grade XII asked her teacher whether transgenders also have a right to vote? Her teacher told her, "Yes Reena, the Government has given transgenders a right to vote. I am sharing the source, https://news.un.org/en/audio/2014/05/588452. You all can refer to this source and gain a better understanding about the 'right to vote' for transgenders in India".

Ponder and Reflect

- In which States were State and Assembly elections held in 2023?
- How can you say that free and fair elections were held in these States?

You may write your own observations on them in your own words.

Creative Expositions

On Exercising My Rights

Oh! Feeling great
Attaining the age
Exercising my rights
Selecting the Government of my choice
For translating my dreams
Giving flight to my decision
Of choosing representative
Committed to the welfare and well-being of all.
Come share my passion with near and dear
In joining the stream
for electing person
committed to democracy, development
for we the people
of our beloved country

Activities You May Like to Consider for the Youth Clubs

You may organise debates on topics related with democracy and its functioning, such as:

- Leader of my choice.
- Significance of free and fair elections in a democracy.
- Reservation of seats for women in the Parliament.
- Broadening the spectrum of participation of people in the law-making processes.

Assessment to Reflect and Ponder

Self—I will be able to understand:

a. What are the constitutional provisions that highlight the process of elections and related institutional framework?
b. What are the new assistive technologies that make elections free and fair in India?

We will be able to:

a. Undertake a project on different aspects of conducting Lok Sabha elections in India.
b. Prepare a script for an audio-visual portrayal of processes of elections from its conceptualisation to its implementation in rural and urban areas.

Message for the Parents

You should encourage your children on attaining age of 18 that they should vote. Take them to a nearby booth and let them understand how vote is casted. Encourage them to read newspaper and form their views about the political system in India. Have in-depth knowledge about rules and regulations laid down by the Election Commission of India. You must acquaint them with latest electronic facilities available. Your motivation and encouragement will help in nurturing an aware and committed citizen in society.

References

The Election Commission of India. 2022. Mainstreaming of Electoral Literacy in Educational Institutions (Secondary and Senior Secondary Level). New Delhi.

National Council of Educational Research and Training. 2022. *Indian Constitution: Textbook for Political Science, Class XI.* New Delhi.

Weblinks

https://eci.gov.in/contact-us/ngsp/national-grievance-services-portal-r3/

https://eci.gov.in/it-applications/web-applications/sveep-website-r19/

https://news.un.org/en/audio/2014/05/588452

THEME 3

JUVENILE JUSTICE SYSTEM IN INDIA



THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

Learning Outcomes

After going through this theme, you will be able to:

- Create an understanding among all stakeholders, including students and parents, on the need for co-creating a safe and secure school environment for the holistic development of children.
- Make different stakeholders aware of the acts, policies, procedures and guidelines already available on different aspects of safety and security, i.e., physical, socio-emotional, cognitive, etc.

Introduction

The future of a nation rests on its children. The safety and all-round development of children is of paramount importance for any country. As per the 2011 Census of India, 39 per cent of the total population of the country is less than 18 years of age. Various legislations, policies and programmes have been initiated from time to time for care and protection of children. However, lack of adequate knowledge, skills and attitudes on the part of multiple stakeholders poses challenge at the level of implementation. There is an immediate need for sensitisation and changing attitudes of everyone about the juvenile justice. There is an urgent need for effective implementation of laws for safety, protection and welfare of children. If children are provided with a safe environment that is conducive for their overall growth and development, then they grow up to be responsible citizens who contribute to the progress of the nation. This handbook will facilitate in capacity building and sensitising of all stakeholders in education system towards the new dimensions being added to the laws and rules related to child protection and juvenile justice system.

Rationale

1. Children on account of their tender age and immature mind need special care and protection. They have certain special legal entitlements that have been acknowledged nationally and internationally. Recognised by policymakers as a supreme national asset, children deserve the best in national investment, for their survival, health, development, opportunity, security, and dignity.

2. The Constitution of India provides that the State shall direct its policy towards ensuring "that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment".
3. In active recognition of international standards, the Government of India is a signatory to the Universal Declaration of Human Rights since its adoption in 1948 and moved the UN General Assembly to declare an International Year for the Child in 1979. It acceded to the United Nations Convention on the Rights of the Child (UNCRC) in 1992.
4. India has passed various child-centric legislations such as, the Juvenile Justice Care and Protection Act (2015), in line with the international standards of care and protection for children, establishment of the National Commission for the Protection of Child Rights (NCPCR) (2005), and various other child-centric laws.
5. The Preamble of the Juvenile Justice Act states that the law is to be implemented '....by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation'.

After this theme, we will be able to understand that:

1. Children must be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and be protected against all forms of exploitation.
2. In their formative years, children spend more time at school than anywhere else other than their own home. At school, children need a secure, positive and comfortable environment to help them learn and grow. A safe learning environment is essential for students of all ages.
3. School safety has been defined as creating safe environment for children, starting from their homes to their schools and back. This includes safety from any kind of abuse, violence, psycho-social issue, disaster (natural and human made), fire and transportation. Everyone in school has a role to play in ensuring good safety, healthy and secure environment within the school.

Whether a person is actually involved in committing a crime or is falsely accused of having done so either way, such situations are generally ones that result in feelings of anxiety, fear and confusion. For a child or adolescent, who is still growing and vulnerable, such a situation is naturally all the more challenging. Whosoever is working with children in conflict with law have a very noble and yet challenging task, one of building trust and faith in a young person who is in a very difficult circumstance. Majority of children in conflict with law entering the Juvenile Justice System, hail from poor impoverished families. These children are entitled to justice, care, protection, treatment, development, rehabilitation and social re-integration, as envisaged in the Preamble of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Description

Sustainable Development Goals (SDGs)

The SDGs also include those related to Child Rights and India is committed to the achievement of these especially the following:

- SDG 3: Ensure healthy lives and promote well-being for all at all ages.
- SDG 4: Ensure inclusive and quality education for all and promote lifelong learning, highlighting the importance of knowledge and skills on human rights and the promotion of a culture of peace and non-violence as well as the provision of child, gender and disability sensitive facilities and safe, non-violent, inclusive and effective learning environments for all.
- SDG 5: Promote gender equality and empower all women and girls, eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- SDG 16: Addressing violence against children and promotion of peaceful and inclusive societies, under this goal, it states 'significantly reduces all forms of violence and related death rates everywhere' and to 'end abuse, exploitation, trafficking and all forms of violence against and torture of children'.

National Education Policy, 2020

The NEP, 2020 lays down the goal of every educational institution—from pre-school to university, "A good educational institution is one in which each student feels welcomed and cared for, where a safe and stimulating learning environment

exists, where a wide range of learning experiences are offered, and where good physical infrastructure and appropriate resources conducive to learning are available to all students. Attaining these qualities must be the goal of every educational institution."

International Conventions

The United Nations Convention on Rights of the Child (UNCRC) obliges States to ensure that children are protected from violence. Thus, providing safe and secure learning environment for children at home, in school, in the community and society, becomes a collective responsibility of all the stakeholders.

International Law	Legal Provisions
Article 28(2) of UNCRC	Requires the State parties to "take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention".
Article 29(1) (b) of UNCRC	Emphasises that the "State parties agree that the education of the child shall be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations".
Article 37(a) of UNCRC	Requires States parties to ensure that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment".
Article 19(1) of UNCRC	State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
Article 19(2) of UNCRC	Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those, who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and as appropriate, for judicial involvement (http://www.ohchr.org/en/instrumentsmechanism/instruments/conventionreigh-child).

The Indian Constitutional Provisions and Legal Framework

Rights of Children are an integral part of the Indian Constitution, reflected in PART I, Fundamental Rights and PART IV, Directive Principles of State Policy. Provisions of the Constitution of India for the protection and safety of children are as given below:

Constitutional Provision	Rights
Article 14	Fundamental right to equality and equal protection of the law
Article 15 (3)	Fundamental right to special provisions
Article 21	Fundamental right to life and personal liberty
Article 21 A	Right to free and compulsory education of all children in the age group of 6 to 14 years
Articles 23 and 24	Fundamental right against exploitation
Article 39 (e)	Right to health and freedom from abuse due to economic necessity
Article 39 (f)	Right to development with dignity and guaranteed protection of childhood and youth against exploitation, and against moral and material abandonment
Article 46	Right of weaker sections to special educational care and protection from social injustice and all forms of exploitation
Article 47	Right to nutrition, standard of living and improved public health
Article 51A (k)	Duty of parents or guardians to provide opportunities for education

Central Legislation, Policy and Guidelines	Overview
The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) and Juvenile Justice Rules, 2016	Founded on the principles of the UNCRC, the JJ Act provides a framework for the care, protection, treatment and rehabilitation of children in the purview of the juvenile justice system.
The Juvenile Justice Act, 2015: Section 75	The Juvenile Justice Act, 2015 under section 75, clearly states that, "Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with a fine of one lakh rupees or with both".

Juvenile Justice Model Rules, 2016: Rule 93	Rule 93 of the Juvenile Justice Model Rules, 2016, "Empowers the State Government to take action against such officer/institution, statutory body, etc. after due inquiry who fails to comply with the provisions of the Act and the Rules framed thereunder, and simultaneously make alternative arrangements for discharge of functions for effective implementation of the Act".
Juvenile Justice Act, 2015: Section 109	Section 109 of the Juvenile Justice Act, 2015 also entrusts NCPCR and SCPCRs with the responsibility of monitoring the act, in addition to the functions assigned to them under the CPCR Act, 2005.
The Commission for the Protection of Child Rights Act, 2005	This provides for the constitution of a National Commission and State Commissions for the protection of child rights and children's courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.

Main Provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015

The purpose of the act is to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration; by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children

The Role of Educational Institutions to Ensure Welfare of Children

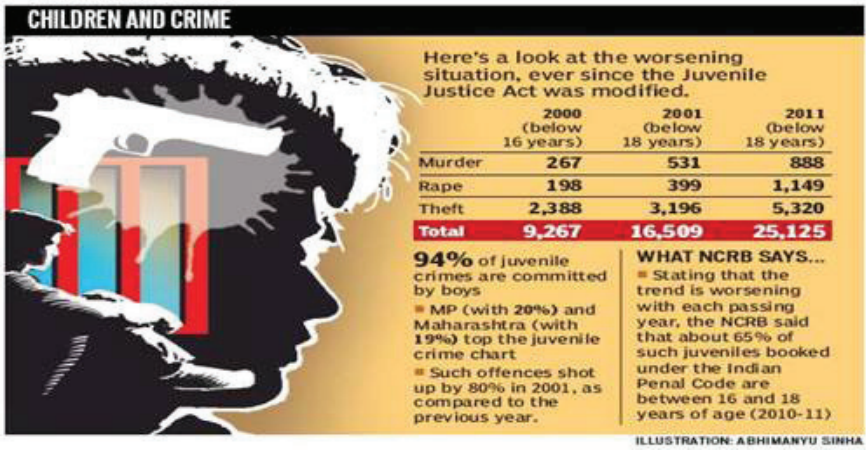
- The teachers should safeguard children's well-being and maintain public trust in the teaching profession as part of their professional duties. The Juvenile Justice (Care and Protection of Children) Act, 2015 is an important statute that criminalises acts that may cause a child mental or physical suffering (Section 75 of the act). In the classrooms, the teachers have the actual charge of children.
- Further, Section 82(1) states, "any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both".

- Distinct treatment of child offenders: That child offenders should be treated differently from adults resulted in the creation of a separate system, namely, the juvenile justice system, to deal with children alleged or found to have committed offences. Such rationale includes, a child criminal is the product of unfavourable environment and is entitled to a fresh chance under better surroundings.
- "That the young owing to their early stage of human development, require particular care and assistance with regard to physical, mental and social development, and require legal protection in conditions of peace, freedom, dignity and security."
- Best interest of child: The Preamble of the JJ Act, 2015 refers to the adoption of a "child-friendly approach in the adjudication and disposal of matters in the best interest of children". The phrase 'best interest of child' is defined in Section 2(9) of the JJ Act to mean—"the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development".

According to National Crime Record Bureau, 976 crimes were committed by juveniles in 2019 and increased by 23 per cent which is 1282 in 2020. Out of 1282 the crime registered under the POCSO Act wherein cases registered under theft were 219, burglary 75 and rape 54. The 2020 data showed that 575 juveniles out of 1282 had passed the Secondary School exam. According to NCRB (2020), most of the juveniles involved in deviant behaviour are from medium and lower socio-economic status, and they lived with their parents.

Current status of juveniles homes in India: Juvenile homes are the homes where children under the age of 18 found guilty of committing an offence are kept. The children are divided into two categories; the first is the child in the need of care and protection (CNCP) and the child in conflict with the law (CCL). These homes are headed by the Government.

What is deviant behaviour?
Deviance is a social construct related to behaviours that violate social norms. Family and school settings play a crucial role in identifying the triggers and preventing unlawful behaviour. Here schools play a big role in developing the personalities of the children, so if the intervention and implementation of various programmes can be started from the very basic levels in different Government schools of India, then the crime rate will definitely be reduced. The data showed that 45 per cent of the juveniles involved in these cases had education between matriculation and higher secondary. The population's 10 per cent involved in crimes were disabled. The most common cause behind the crimes is a lack of education.



Source: http://www.im4change.org//atest-news-updates/rapes-by-minors-five-fold-since-2000-prasad-nichenametla-18784.html



Source: http://www.slideshare.net/prachikhandelwal34/jurenile-delinguancypptx

JUVENILE JUSTICE ACT

In the court of youth, justice takes it's stand
A balance sought by law's guiding hand.
To mend the path that went astray
The Juvenile Justice Act illuminates the way.

With a compassionate touch, it seeks to find,
Rehabilitation of hearts maligned.

In tender years mistakes are made,
A chance for redemption is what must be conveyed.
To guide and nurture these crude souls.
In their young lives, a fresh story unfolds.

Through guidance, patience and love's embrace.
We must shape their journey into a hopeful space.

Juvenline Justice Act, a guiding light
Guiding them from darkness to a future bright.

—Deevit Singh 11-V

OFFENCES AGAINST CHILDREN

1. Prohibition on disclosure of the identity of children	2. Punishment for cruelty to child	3. Employment of child for begging	4. Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child	5. Using a child for vending peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance	6. Exploitation of a child employee	7. Sale and procurement of children for any purpose	8. Corporal punishment	9. Offences committed on disabled children

The Central Government, the State Governments, the Board and other agencies, as the case may be, while implementing the provisions of this act shall be guided by the following fundamental principles, namely:

(i) Principle of presumption of innocence: Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of 18 years.

(ii) Principle of dignity and worth: All human beings shall be treated with equal dignity and rights.

(iii) Principle of participation: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(iv) Principle of best interest: All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

(v) Principle of family responsibility: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(vi) Principle of safety: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(vii) Positive measures: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and, providing an inclusive and enabling environment.

(viii) Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(ix) Principle of equality and non-discrimination: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.

(x) Principle of right to privacy and confidentiality: Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.

(xi) Principles of natural justice: Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this act.

Every third person in India under 18 year could be a demographic dividend or a burden. This would be shaped by the implementation of the Juvenile Justice Law.

51.3 per cent of juvenile offenders have never gone to school or had education up to the primary level.

50.2 per cent belong to poor families whose annual income is up to ₹25,000/-

Majority of their fathers are engaged in either labour or service-oriented occupations rather than salaried jobs.

54.9 per cent of fathers and 70.9 per cent of mothers of the children in detention did not have any formal schooling.

56.6 per cent of the children reported that violence was rife in their neighbourhood or community.

50.3 per cent of these children were deprived of adequate housing conditions.

What is Juvenile Justice?

The concept of Juvenile Justice (JJ), why and how children must be treated differently from adults.

1. **Ask:** What words come to mind when I say 'childhood'?
   Ask them to respond promptly.
   List out participant's responses on board.
   Common responses: Innocence, playfulness, freedom, naughty, etc.
   Conclude that expectations from a child are not same as those from adults.
2. **Ask:** Did you do certain things today that you may not be proud of?
   Allow them a couple of minutes to think.
   Ask one or two participants to share on a voluntary basis.
   Conclude that all of us make mistakes as children, those that we are not expected to repeat as adults, it is normal to make mistakes, and probably desirable because mistakes are life's lessons which help us grow and develop.
3. **Ask:** What was the consequence of that action of yours?
   List out: Common responses are spanking, a slap, scolding, counseling, etc.
   Conclude that we are not sent to jail or handed over to police for mistakes we make as children, we deserve a second chance, an opportunity to learn, to be forgiven, merely by virtue of being children.
4. **Ask:** How are children different from adults?
   Conclude that children are different from adults in maturity of mind and body, in limited life experiences and world view, though we may often underestimate their capabilities, each child is unique, has a unique growth and development trajectory.
5. **Ask:** What are the protections or immunities that must be given to children as they are different from adults?
   List out: Common responses to no handcuffing or jail, no bad publicity in media.
   Conclude that they need development opportunities, a congenial environment to grow up, to develop into a competent citizen capable of contributing meaningfully to nation building. It encompasses health, education, love and care from family, protection from exploitation and abuse.

Juvenile Delinquency

Pedagogy: Group exercise

Learning Goals: Why do children commit offences?

Class Discussion on the Topic—Why do children commit offences?

Conclude that juvenile delinquency may be a result of several intersecting vulnerabilities like age, gender, caste, class, education, parents' education and financial status, disability, and many more.

Objective is to target attitude towards juvenile delinquency, develop empathy and help the participants see the role of extraneous factors like socio-economic status, modern technology, social media, cinema and compelling personal circumstances in juvenile delinquency.

Recommended reading: 'Why Children Commit Offences?', a study on children in shelter homes of Delhi by NGO Butterflies.

Offences against Children

Pedagogy: PowerPoint presentation

Learning Goals: Offences against children under the JJ Act

Steps to follow: Through a PowerPoint presentation the participants may be informed that in the 2015 law for the first-time certain offences against children have been included.

The participants may be encouraged to utilise these sections in relevant cases, apart from IPC sections and other sections of other special laws.

The following offences against children may be discussed briefly:

- Corporal punishment in shelter homes and other such homes.
- Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance.
- Exploitation of a child employee.
- Adoption without following prescribed procedures.
- Kidnapping and abduction of child.
- Offences committed on disabled children, and sale and procurement of a child for any purpose.

Activities

The following are some activities or effective strategies which when implemented consistently will lead to positive engagement with children and will be able to emphasise on the following key areas of the JJ Act:

- Punishment is often justified as a 'last' resort in extreme situations.
- Arriving at a consensus with children about expected behaviour and consequences.

- Framing rules and guidelines in consensus with children.
- Focusing on every child's positive thinking and appreciating their good behaviour.
- Never comparing one child's performance with another;
- Providing children an opportunity to explain before any other response.
- Giving a warning or chance before any response.
- Actively listening, remaining calm, and ensuring the safety and security of other children while handling troublesome or offensive behaviour.
- Addressing perceived 'severe or problematic behaviour' through consultation with parents, child and counsellor or psychiatrist.
- Discussing and adopting time-out strategy as the last resort with children.

A Suggestive Approach to Integrating Learning about School Safety in the Education of Children

Safety inspection of the school by a team comprising students and teachers:

Interview for students: The team can make arrangements to have a small group of students (four to eight) who represent a cross-section of the secondary through senior. The responses need to be anonymised for protecting the interest of all students.

Schedule approximately 15 minutes—no longer than 30 minutes—to conduct the following interview with students:

a. Are there any places in this building or any times of the day when you feel unsafe? If so, explain.
b. In this school year, have you or your fellow students been physically harmed, threatened or bullied at school? If so, what was the extent of your injuries? What was the school's response to the situation?
c. If you knew that there was potential for danger or harm being done to yourself or others, at this school, would you tell some adult about this? If so, to whom would you go? If not, why not?
d. Do the teachers and principal in this school encourage students to report incidents of harassment, bullying, threats, etc.? Is there a process in place for doing so?
e. Are you aware of any gang activity at this school? If so, do you believe this presents any danger to yourself or to others at this school? Why or why not?

f. Do the students who get into fights get help in learning how to resolve conflicts without fighting?
g. Are there any programmes in this school to help students whose grades are falling?
h. Have students been encouraged to establish clubs and activities with a safety focus?
i. Have students had any training in personal safety and how to avoid becoming victims of violence?
j. Is there a safety or security issue that, in your opinion, is not being adequately addressed to eliminate the problem? What would you suggest to address the issue?

The answers will be reviewed or analysed to implement the child centric guidelines in school.

Rating Scale for the Students

This may be a group or class survey activity. Children may be asked to give their views on the rating scale. These rating scales need to be developed involving students as per the context and location of the school. An exemplar rating scale is given below:

S. No.	At this school	Always	Sometimes	Never	Don't know
1.	Students help make decisions.				
2.	Students can be in many different groups and activities.				
3.	Students respect the teachers.				
4.	My teachers respect me.				
5.	I have good relationships with my teachers.				
6.	I'm comfortable talking to a teacher about my problems.				
7.	I feel very safe.				
8.	When students have an emergency, they know whom to approach.				
9.	People with special needs are respected.				

Filled up inspection forms may be collected by the school team, and they can analyse the data and make a report to be submitted to school authorities for taking necessary steps.

Safety Inspection as Teaching-learning Activity or Group Activity in a Classroom

Children at all the stages need to be motivated to develop their own questions regarding the inspection. This may be conducted as a group activity in a classroom. Details of conducting this activity are given below:

Group work: In order to do this activity with children of specific class, the teacher may divide them into groups with equal or proportionate number of children and assign the following task:

- Group I: To explore points related to safe interpersonal interactions, in and outside the school.
- Group II: To find out points related to emotional, mental and psychological safety and security.
- Group III: To find out points related to cyber safety or cyber security.

Observe and record: The teacher may ask each group to divide the task amongst the group members for framing questions, take observations and record them. She may help children in the process. Some of the exemplar questions for developed areas are mentioned below.

Socio-emotional Safety

- Have you noticed any child in your class who often gets angry?
- When you are feeling down, do you share your feelings with others?
- Does your teacher encourage students to talk about their feelings?
- Does your school provide access to a counsellor?
- Are students oriented on importance of personal safety, for example, difference between 'good touch' and 'bad touch'?
- Does your school have a suggestion or complaint box in place?

Cyber Security

- Do you have Internet facility in the school?
- Are mobile phones allowed in the classroom?
- Is the access to computer rooms and use of electronic and technological devices in the school supervised by teachers?

Think, Reflect and Act

Teachers may also provide opportunities to think and reflect. Create opportunities for cross-age mentoring: younger

students are receptive to both the attention and leadership of older students, and likewise, the older students benefit from the added responsibility of modelling appropriate behaviours. The students may express their views through poems, collage making, posters, charts, songs, paintings, etc., some questions in this regard are:

- How to make the school more safe and secure?
- Consider ways to redirect negative behaviours toward positive leadership opportunities; respect diversity; developing anger management skills; peer support groups, etc.
- Explore ways to help the grievances or conflicts reach the authorities for timely and appropriate action.

Assessment

The teacher may help children in the above. Each group shall present the report before the whole class, after which discussions with other groups shall follow. Such activities can be assessed on three-point scale using rubrics that a teacher may design herself or involve other children in doing so.

Strategies

Roles and responsibilities of principal or school heads:

- Orient all teachers and students at the beginning of the session regarding the JJ System using the morning assembly platform.
- Regular meeting with teachers and members of the Child Welfare Committee to discuss issues related to school safety and security, and decide appropriate actions.
- In case of a complaint against a teacher or other staff of the school, conduct a discreet enquiry to protect the identity of the victim or complainant.

Roles and responsibilities of teachers:

- Supporting the principal in gently orienting students towards the child safety and security in general.
- Teachers should also help set classroom norms and standards that support child safety and security.
- Collaboratively develop (with students) healthy classroom norms and conduct of behaviour which ensures a safe and secure classroom environment.
- Encourage the habit of inquiry and sharing through placing of 'question box' or 'opinion box' and addressing regularly the curiosity and problems of all children.

Role of School Management or Administration

All staff associated with the school should be subjected to these guidelines:

- All staff should ensure that all children enjoy their rights as per the RTE Act.
- No physical punishment of any kind should be permitted.
- No mental harassment of any kind should be permitted. No form of discrimination based on gender, caste, class, disability, etc., should be permitted.
- The treatment of the child in the school should be such that the child feels included and secure. Counselling services for children should be made available.

Guidelines for Creating an Environment Conducive to Learning as well as Enablement for the Same

- All children should be informed through campaigns and publicity drives that they have a right to speak against physical punishments, mental harassment and discrimination, and bring it to the notice of the authorities.
- The conduct of the teacher and administration should be such that it fosters a spirit of inclusion, care and nurturing.
- All school management and educational administration authorities should run regular training programmes to enable teachers and educational administrators to understand and appreciate the rights of children and the spirit of the Right to Education.

The Juvenile Orphan

(A poem on Juvenile Justice)

He was just an orphan,
When the incident had happened,
Lonely and abandoned,
Uncared for and unwanted.
Distressed, oppressed, he stood without guidance,
Without a place to call home,
Without someone to call his own,
He stood numb, with pain and longing.

One day came Lady Luck to him,
As a mad adopted him for care.
Who knew Lady Luck was satan,
For as soon as the boy saw light, he was blinded of sight.

He was promised a secure home and future,
But got a gang of devils on the run.
Adoption was the only option available to the gang,
To dodge the police away from their crimes.
Finding out the boy's deepest yearning,
They exploited his craving of love and learning,
Forced him to commit crimes despite being a juvenile,
And got his hands sullied with the sins of life.

One day karma sneaked up on the boy,
When a harmless theft became an act of violence.
Who was at fault did not matter,
For the boy was made the scapegoat
and his life went in tatters.
He got the flogging he did not deserve,
People he once called home
Didn't save him like before,
And alone he stood, defeated in the court.

Then the juvenile got sent to reformatory camp,
Where he found people of his kindred-
All mistreated, alienated, misguided and lost-
Got taught the difference between right and wrong,
And reformed as a person with determination
to change and atone.

This is the story of countless juveniles,
Whose futures burn up in shambles
Because of one wrong move, company and mishap.
And whose fault is it for this consequence?
Why it is ours, as a society, for failing to give them justice.

—Yati Sinha (11-T) Delhi Public School, R.K. Puram

Message for the Parents

The purpose of this module is to sensitise parents and all the stakeholders on releasing child's stress and anxiety by focusing on uniqueness, strengths, his or her coping strategies, attitudes and values along with the academic areas of improvement and making PTMs as Child-Parent-Teacher-Dialogue (CPTD). Being sensitive in the use of language and refrain from passing judgement on child behaviours to nurture positive attitudes amongst children. Being vigilant and observant about unusual behaviours and signs of stress or depression in their wards and take positive steps to deal with these issues.

References

Government of India. 2005. Commission for Protection of Child Rights (CPCR) Act, 2005.

———. 2009. Right of Children to Free and Compulsory Education (RTE) Act, 2009.

———. 2012. Protection of Children Against Sexual Offences (POCSO) Act 2012.

———. 2015. The Juvenile Justice (Care and Protection of Children) (JJ) Act, 2015.

———. 2014. Guidelines on Safety and Security of Children. Ministry of Human Resource Development, New Delhi.

———. A Handbook for Administrators, Education Officers, Emergency Officials, School Principals/Teachers. Ministry of Home Affairs.

———. NCPCR Guidelines for Protection of Children in Sports, Developed with SAI and NIMHANS

———. Guidelines for Eliminating Corporal Punishments in Schools. National Commission for Protection of Child Rights.

———. National Disaster Management Authority. Ministry of Home Affairs, New Delhi.

National Commission for Protection of Child Rights. 2019. Manual on Safety and Security of Children in Schools. Delhi.

National Council of Educational Research and Training. 2020. Training and Resource Material. New Delhi.

Weblinks

https://blog.ipleaders.in/introduction-overview-juvenile-justice-care-protection-act-2015/

THEME 4

GENDER JUSTICE: A VEHICLE FOR TRANSFORMATORY SOCIAL CHANGE



GENDER JUSTICE: A VEHICLE FOR TRANFORMATORY SOCIAL CHANGE

Who am I supposed to be.

A man, a woman, or an identity to see?
Or am I someone meant to be?
Life's canvas unfolds with stories untold,
In the dance of genders, I find my way,
Diverse gender tales and vibrant mold.
Navigating the expectations of come what may.
Beyond old barriers my identities will be bold,
Born unique, I'll always embrace,
my own display.
In any case I'll always be put on the hold,
These stereotypes have been getting away,
A rebel spirit in a world too controlled.
We youngster have all the time to sway.
These traditional chains are getting too old.
I dream of a world where colours are never grey
To the glorious world where
stories always unfold.

—Puja Grover
DPS, Mathura Road

Learning Outcomes

After going through this theme, you will be able to:

- Understand the difference between gender and sex.
- Understand that gender is a socio-cultural construct.
- Identify and critically analyse gender biases and stereotypes prevalent in society.

- Create awareness of legal frameworks, related to the Transgender Persons (Protection of Rights) Act 2019, and their significance.
- Familiarise with historical narratives, myths and cultural perspectives that involve gender diversity in different context.
- Recognising education as a tool for empowerment and social change.

Overall, learners will gain a comprehensive understanding of gender as an agency of social change, recognising its complexities, challenges and the collective efforts needed to create a more equitable and inclusive world.

Introduction

Gender is emerging as an important area of contemporary concern. Equity entails the accessibility of resources for everyone according to their needs. Article 14 of the Indian Constitution affirms—equality before law—all are equal before the eyes of law without any discrimination on the basis of caste, colour, creed, ethnicity, sex, gender, and place of birth.

Also, a very progressive statement defines the essence of equality that reads as equity: law treats equals similarly and unequals differently.

In order to achieve equality in both context, process and holistic development of children gender needs to be given top priority and substantially be integrated into the content and process of education. Schools as the secondary agencies of socialisation can play a proactive role in integrating gender in the entire schooling processes. This would include activities undertaken within and outside the classrooms.

Rationale

For translating equity and inclusion, several indicators such as demography, education, occupation or employment have shown disparities in terms of performance and impact. Even though it has narrowed over years, the gap remains. Therefore, this theme would bring to light—how gender and subsequent interventions by the Government and the civil societies initiatives can bring the much needed social change.

Description

What is Gender?

Gender, involves how a person identifies themselves. Unlike natal sex, gender is not made up of binary forms. Instead,

gender is a broad spectrum. A person may identify at any point, within this spectrum or outside of it entirely.

Gender is a social construct and is different from sex. This has been stated earlier. The two terms are distinct and should not be used interchangeably. Sex is biological and it refers to a set of attributes in humans and animals. Sex is mainly associated with physical and physiological features including chromosomes, gene expression, hormone level and function, and reproductive and sexual anatomy.

Gender	Sex
Gender is a socio-cultural construct. It refers to the masculine and feminine traits, behavior patterns, roles and responsibilities that society assigns.	Sex is biological. It refers to visible differences that are physically overtly.
Gender is a dynamic concept. It changes with time and place. It varies from culture to culture.	Sex is determined by birth.
Gender roles and relations can be changed or re-oriented with changes taking place in the society and the overall social milieu.	Sex cannot be changed without complex medical intervention.

What do we mean when we say 'gender'?

While 'sex' refers to the biological attributes of individuals, 'gender' refers to socially constructed roles, behaviours, expressions and identities of girls, women, boys, men and gender diverse individuals. Gender identity is not limited to a binary (girl or woman and boy or man) but rather exists on a spectrum and can evolve over time. Further, gender is a social construct, and includes the norms, behaviours and roles associated with a particular gender identity. An individual's gender identity profoundly influences self-perception, interpersonal dynamics, and the distribution of power and resources in society. While this glossary primarily deals with stereotypes concerning men and women, it is important to recognise that harmful stereotypes can exist with respect to any gender identity.

Source: Canadian Institute of Health Research, 'What is gender? What is sex?' https:// cihr-irsc.gc.ca/e/48642.html (accessed 19 July 2023); World Health Organisation, 'Gender and health' https://www.who.int/health-topics/gender#tab=tab_1 (accessed 19 July 2023).

What is Gender Bias?

Gender bias is a group of prejudiced actions or thoughts based on the perception that women are not equal to men in rights and dignity.

What are Gender Stereotypes?

Gender stereotyping refers to the practice of ascribing to an individual woman or man specific attributes, characteristics or roles by reason only of their membership in social group.

Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Women and girls represent half of the world's population and also half of its potential. But gender inequality persists everywhere and stagnates social progress and development.

Stereotypes are present in our subconscious mind and we might lean on them unintentionally when engaging with others. These stereotypes shape our perceptions and behaviours toward individuals, hindering our ability to see the person in front of us as an individual with distinct qualities and characteristics. As a result, we may arrive at inaccurate conclusions about them. Stereotypes act as barriers to understanding a persons behaviour and trait in an objective and just manner. On a micro-level, stereotypes lead to exclusion and discrimination in educational institutions, workplaces and public places.

To illustrate a few stereotypes and myths:

- Women are overly emotional, illogical, and cannot take decisions.
- All women are physically weaker than all men.
- Women are more nurturing and better suited to care for others.
- Women are submissive and subordinate to men.

Activity

Given below are statements highlighting preconceived notion about gender.
Pick the ones that are stereotypes:

1. Women are homemakers.
2. Men and women have equal potential.
3. Boys don't cry.
4. Ideal profession for girls is that of a teacher.
5. Pink is for girls and blue is for boys.
6. Women are not good drivers.

7. Both boys and girls undergo emotional turmoil in difficult situations.
8. Girls like to play with dolls and not the games that require physical endurance.
9. Men are emotionally and physically tough.
10. It is important to educate boys as they will have to support the family financially.

Stereotypes can have significant impacts on individuals, groups and society as a whole. Here are some of the key impacts:

1. **Social identity threat:** When individuals are aware of negative stereotypes about their social group, they may experience social identity threat. This can lead to anxiety, decreased performance and disengagement in situations where their identity is relevant.
2. **Discrimination and prejudice:** Stereotypes can perpetuate discrimination and prejudice against certain groups. Prejudiced attitudes can lead to discriminatory behaviour in various domains including employment, education, housing and healthcare. Discrimination based on stereotypes denies individuals equal opportunities and reinforces systemic inequalities.
3. **Interpersonal relationships:** Stereotypes can influence how individuals perceive and interact with others. When people hold stereotypical beliefs about certain groups, they may treat individuals from those groups differently, leading to strained interpersonal relationships, misunderstandings and conflicts.
4. **Psychological well-being:** Being subjected to stereotypes can have negative effects on an individual's psychological well-being. Constant exposure to stereotypes and prejudice can lead to feelings of invalidation, low self-esteem, depression, and anxiety, particularly among marginalised groups.
5. **Institutional bias and systemic inequality:** Stereotypes can contribute to the perpetuation of institutional bias and systemic inequality. Biased decision-making processes in institutions such as criminal justice, education, and healthcare can disproportionately disadvantage certain groups based on stereotypical beliefs.

Addressing stereotypes requires a multifaceted approach involving education, policies promoting diversity and

inclusion, and challenging prejudiced attitudes and beliefs at both individual and societal levels.

Introduction to a Third Gender—Transgender, *Hijra* or Kinnar

Have you ever seen in your family or surroundings, that whenever there is a wedding, birth of child, or any auspicious happening in the family, a group of people who look like males but are dressed as females come over to dance and give their blessings? It is considered to bring good luck to the family.

Activity

Going down to an Indian epic, *Mahabharata*, have you heard about two very interesting stories from it; one where the arch warrior Arjuna was cursed to become an eunuch for a year? He was called Brihanalla during that year and he became the dance teacher of Uttara—the princess of Virat. During that period as Brihanalla, Arjun won the *virat yudh*.

The second story is about Shikhanddi, who was also a eunuch and became the cause of death of Bhishm Pitamah in *Mahabharat*.

Read about them and record your feelings on the first instance.

Who is a Transgender?

A transgender person is one whose gender does not match the gender assigned at birth. It includes trans-men and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as, *kinnar* and *hijra*.

Recognition of Transgender in the Social System

Transgender Persons (Protection of Rights) Act 2019 (INDIA)
The Transgender Persons (Protection of Rights) Bill, 2019 was introduced in Lok Sabha on 19 July 2019 by the Ministry for Social Justice and Empowerment and this bill became an act on 26 November 2019.
1. **Prohibition against Discrimination:** The bill prohibits the discrimination against a transgender person, including denial of service or unfair treatment in relation to: (i) Education; (ii) Employment; (iii) Healthcare; (iv) Access to or enjoyment of goods, facilities, opportunities available to the public; (v) Right to movement; (vi) Right to reside, rent or otherwise occupy property; (vii) Opportunity to hold public or private office; and (viii) Access to a Government or private establishment in whose care or custody a transgender person is.
2. **Right of Residence:** Every transgender person shall have a right to reside and be included in his household. If the immediate family is unable to care for the transgender person, the person may be placed in a rehabilitation centre, on the orders of a competent court.

3. **Employment:** No Government or private entity can discriminate against a transgender person in employment matters, including recruitment and promotion. Every establishment is required to designate a complaint officer to deal with complaints in relation to the act.

4. **Education:** Educational institutions funded or recognised by the relevant Government shall provide inclusive education, sports and recreational facilities for transgender persons, without discrimination.

5. **Health care:** The Government must take steps to provide health facilities to transgender persons including separate HIV surveillance centres and sex reassignment surgeries. The Government shall review medical curriculum to address health issues of transgender persons and provide comprehensive medical insurance schemes for them.

National Council for Transgender Persons has been established and National Portal for Transgender has been instituted to safeguard their rights.

The transgender certificate and identity card are nationally recognised and provided by the Ministry of Social Justice and Empowerment, the certificate is a mandatory document to avail the welfare measures being provided under the SMILE scheme.

The SMILE Scheme

The Ministry of Social Justice and Empowerment has launched an umbrella scheme 'SMILE—Support for Marginalised Individuals for Livelihood and Enterprise' on 12 February 2022, which includes two sub-schemes—the 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons' and the 'Central Sector Scheme for Comprehensive Rehabilitation of persons engaged in the Act of Begging'. This umbrella scheme covers several comprehensive measures including the welfare measures for both transgender persons and persons who are engaged in the act of begging with focus extensively on rehabilitation, provision of medical facilities, counselling, education, skill development, economic linkages, etc., with the support of State Governments, UTs or local urban bodies, voluntary organisations, Community-based Organisations (CBOs), and others.

Source: https://pib.gov.in/Pressreleaseshare aspx?PRID=1806161#: ~:text=This%20umbrella%20scheme%2 covers%20several,linkages%

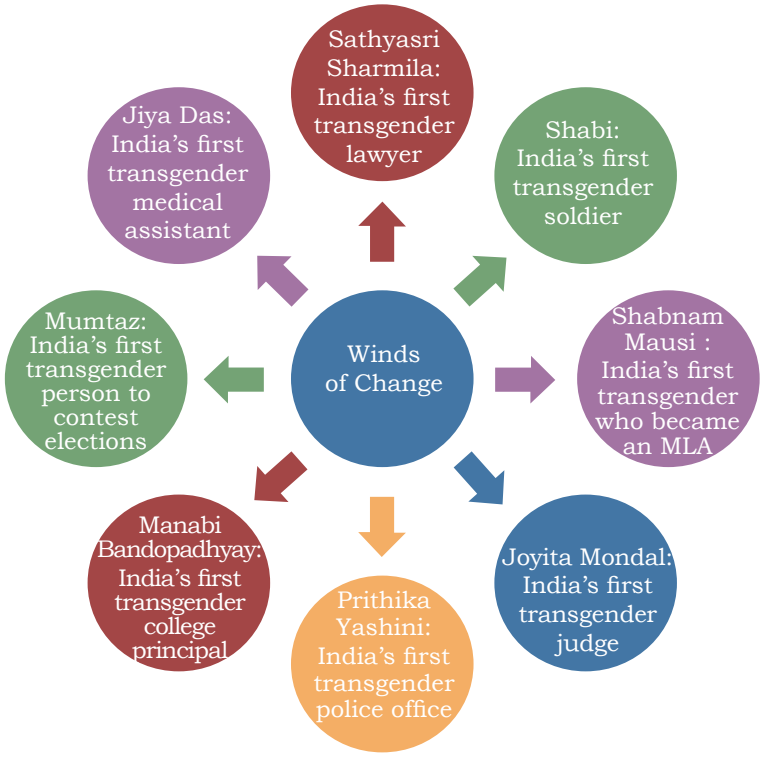


Fig. 4.1: Role models

(Source: https://www.indiatoday.in/education-today/gk-current-affairs/story/list-of-transgenders-firsts-who-made-it-big-in-their-fields-1276415-2018-07-03)

The transgerders who have made a difference in their lives, and made the society positive and accepting. List is not exhaustive, rather dynamic. The ones mentioned here are only a few…

Quick Read …
National Legal Services Authority [NALSA] vs Union of India [SCC438 2014]
The Supreme Court had to decide whether persons who fall outside the male or female gender binary can be legally recognised as 'third gender' persons. It deliberated on whether disregarding non-binary gender identities is a breach of Fundamental Rights guaranteed by the Constitution of India. This was a landmark decision where the apex court legally recognised 'third gender' or transgender persons for the first time and discussed 'gender identity' at length.

The court recognised that third gender persons were entitled to Fundamental Rights under the Constitution and under the international law. Further, it directed State Governments to develop mechanisms to realise the rights of 'third gender' or transgender persons.

Defining 'Third Gender'

The court upheld the right of all persons to self-identify their gender. Further, it declared that *hijras* and eunuchs can legally identify as the 'third gender'.

The court clarified that gender identity did not refer to biological characteristics but rather referred to it as, "an innate perception of one's gender". Thus, it held that no third gender persons should be subjected to any medical examination or biological test which would invade their Right to Privacy.

Third Gender and Fundamental Rights

The court interpreted 'dignity' under Article 21 of the Constitution to include diversity in self-expression, which allowed a person to lead a dignified life. It places one's gender identity within the framework of the Fundamental Right to Dignity, under Article 21.

Further, it noted that the Right to Equality (Article 14 of the Constitution) and Freedom of Expression (Article 19(1)(a)) was framed in gender-neutral terms ('all persons'). Consequently, the right to equality and freedom of expression would extend to transgender persons.

It drew attention to the fact that transgender persons were subject to extreme discrimination in all spheres of the society which was a violation of their Right to Equality. Further, it included the right to express one's gender through dress, words, action or behaviour under the ambit of the Freedom of Expression. Under Articles 15 and 16, discrimination on the ground of 'sex' is explicitly prohibited. The court held that 'sex' here does not only refer to the biological attributes (such as chromosomes, genitalia and secondary sexual characteristics) but also includes 'gender' (based on one's self-perception).

Thus, the court held that discrimination on the ground of 'sex' included discrimination on the basis of the gender identity. Also, the Court held that transgender persons were entitled to Fundamental Rights under Articles 14, 15, 16, 19(1)(a) and 21 of the Constitution.

Source: https://translaw.clpr.org.in/case-law/nalsa-third-gender-identity/

Activity

Read about *Yogyakarta Principles*, 2006 and record any five key take aways.

The Concept of Equality—Gender Perspective

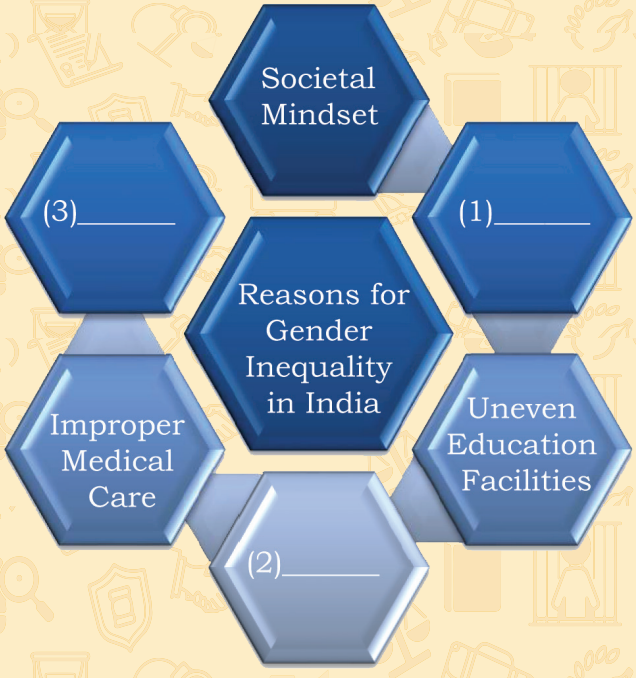
We have understood about gender, how is it different from sex? What are the three types of genders people identify themselves with? Now we delve into the issue that needs attention—gender inequality.

What is Gender Inequality?

Gender inequality is the prejudicial treatment of people based on their gender. While it affects women and girls most prominently, gender inequality is not limited to the male or female binary. Gender inequality is a persistent and global problem. While equality in education and employment has improved still it remains a perennial social issue.

Activity

Fill in the reasons that you feel have led to gender inequality in India.



The Indian Perspective

Constitutional and Statutory Provisions to Promote Gender Equality

The Constitution of India promotes gender equality in its various provisions:

Article 14	Talks about equality before law— no discrimination on the basis of sex or gender along with other grounds that can be a point of discrimination.
Article 5	Prohibits the State from discriminating any citizen on the basis religion, race, caste, sex, place of birth or any of them.
Article 16	States that no citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for or discriminated against in respect of, any employment or office under the State.
Article 39	A directive principle of State policy, envisages that all States must formulate their policy towards securing equal pay for equal work for both men and women and also ensuring that men and women have the right to an adequate means of livelihood.
Article 42	A directive principle of State policy, mentions that—the State shall make provisions for securing just and humane conditions of work and for maternity relief.
Article 243D	Women Empowerment in the Domain of Governance- In Governance, the gender-based inequality was visible even, after decades of independence. Hence, Article 243D of the Constitution provides provision of 33 per cent reservation for women in the Panchayati Raj institutions and 33 per cent of the office of chairpersons to be reserved for women.

Other legislations to bring about Gender Equality

There are umpteen legislations that attempt to bring about gender equality by empowering women. To mention a few:

- **Dowry Prohibition Act of 1961**
  There are other laws for gender equality in India like Dowry Prohibition Act of 1961 that prohibits the giving and taking of dowry. The act and relevant sections of the Indian Penal Code were further amended to protect female victims of dowry-related violence. Another layer of legal protection was provided in 2005 under the Protection of Women from the Domestic Violence Act.
- **The Hindu Succession (Amendment) Act of 2005**
  The Hindu Succession (Amendment) Act of 2005 provides the daughters with a legitimate equal right in the ancestral and parental property.
- **The Prevention of Sexual Harassment at Workplace Act of 2013**
  The Prevention of Sexual Harassment at Workplace Act of 2013 led to the establishment of 'Vishakha Committees' in schools and workplace to create a safe environment for women.

All these acts are aimed at ensuring the Right of Equality for women by creating favourable conditions for them to thrive and succeed. Advancing gender equality is critical to all areas of a healthy society, from reducing poverty to promoting health, education, protection and the well-being of girls. All the other rights are meaningless if gender equality is not protected.

"On the parameter of gender inequality, India's Gender Inequality Index (GII) value is 0.490 in 2021 and is ranked 122 in the world"

Source: https://pig.gov.in

Activity

Let us ponder.

1. Fill in the table given below and assess your home front.

	Male members in the family	Female members in the family	Both male and female members
Who has the responsibility to take care of the kitchen?			
Who decides what will be cooked?			
Who lays the dining table or serves the food?			
Who eats first in the family?			
Who eats last in the family?			
Who has the decision making authority at home?			
Whose permission is to be taken before you plan any event or outing?			

2. Would you like to change any result of the above observation?
   If yes, suggest how?

International Scenario on Gender Equality



Fig. 4.2: Global gender gap index—four key dimensions that map the progress of countries on gender parity.

1. **The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** is an international treaty adopted in 1979 by the United Nations General Assembly. As the primary international legal instrument for the promotion and protection of women's rights, the convention recognises gender equality and prohibits discrimination against women in all spheres, including the private and public spheres. India has also ratified CEDAW.
2. **Sustainable Development Goal 5:** Achieve gender equality and empower all women and girls. The target is to achieve gender equality by 2030.

Impact of the Legislations Internationally

International commitments to advance gender equality have brought about improvements in some areas:

1. Child marriage and Female Genital Mutilation (FGM) have declined in recent years, and
2. Women's representation in the political arena is higher than ever before.

But the promise of a world in which every woman and girl enjoys full gender equality, and where all legal, social and economic barriers to their empowerment have been removed, remains unfulfilled. There has been progress over the last decades, but the world is not on track to achieve gender equality by 2030.

Here are the Reasons, Why?

- Worldwide, nearly half of married women lack decision-making power over their sexual, reproductive health and rights.

- The 35 per cent of women between 15–49 years of age have experienced physical and/or sexual intimate partner violence or non-partner sexual violence.
- One in three girls aged 15–19 have experienced some form of female genital mutilation or cutting in the 30 countries in Africa and the Middle East, where the harmful practice is most common with a high risk of prolonged bleeding, infection (including HIV), childbirth complications, infertility, and death.
- Today one in five young women (19 per cent) were married before their 18th birthday, compared with one in four (25 per cent) 25 years ago.

This type of violence does not just harm individual women and girls; it also undermines their overall quality of life and hinders their active involvement in society.

(Source: The Sustainable Development Goals Report, 2023)

Activity

Match the provisions of the SDGs 5 with its sub-clause and the objective it aims at.

	Sub-clause of SDGs 5		Objectives of SDGs 5
A	5.1	1.	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.
B.	5.2	2.	Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate.
C.	5.3	3.	Eliminate all forms of violence against women and girls in public and private spheres, including trafficking, sexual and other types of exploitation.
D.	5.4	4.	End all forms of discrimination against all women and girls everywhere
E.	5.5	5.	Eliminate all harmful practices, such as child, early and forced marriage, and female genital mutilation.

Did you know?

The 17th edition of the Global Gender Gap Report, 2023 has been released by the World Economic Forum (WEF), evaluating the status of gender parity across 146 countries.

How has India fared in the gender gap Report, 2023?

How has India fared in the Gender Gap Report, 2023?

India's Rank

India has made significant progress, rising from 135th (in 2022) to 127th out of 146 countries in the report's 2023 edition, indicating an improvement in its ranking.

The country has improved by 1.4 percentage points and eight positions since the last edition, marking a partial recovery towards its 2020 parity level.

India had closed 64.3 per cent of the overall gender gap.

i. **Gender Parity in Education**
India has achieved parity in enrolment across all levels of the education, reflecting a positive development in the country's education system.

ii. **Economic Participation and Opportunity**
India's progress in economic participation and opportunity remains a challenge, with only 36.7 per cent gender parity achieved in this domain. While there has been an uptick in parity in wages and income, there is a slight drop in the representation of women in senior positions and technical roles.

iii. **Political Empowerment**
India has made strides in political empowerment, achieving 25.3 per cent parity in this domain. Women represent 15.1 per cent of parliamentarians, which is the highest representation since the inaugural report in 2006.

iv. **Health and Survival**
There is a 1.9 per cent point improvement in India's sex ratio at birth, after more than a decade of slow progress.

Education as a Tool for bringing Gender Equality

Right to Education—a tool for empowerment that ignites the urge to learn in all irrespective of social, economic and other diabilities

Prior to 2002, the Indian Constitution considered elementary education for children between the age of six and fourteen as a policy goal provision in the Directive Principles of State Policy, which the Supreme Court raised to the status of Fundamental Rights, affirm that depriving one from education amounts to depriving one's right to life (Article 21).

The Right to Education Act, 2009 (RTE) is important legislation that marks a watershed in the education system in India. With its enactment, the Right to Education has become a Fundamental Right in the country.

The act is completely titled The Right of Children to Free and Compulsory Education Act, 2009. When the act came

into force in 2010, India became one among 135 countries where education is a Fundamental Right of every child.

- The 86th Constitutional Amendment (2002) inserted Article 21A in the Indian Constitutionwhich states:

  "The State shall provide free and compulsory education to all children of 6 to 14 years in such manner as the State, may by law determine."

- The article incorporates the word 'free' in its title. What it means is that no child (other than those admitted by his or her parents in a school not supported by the Government) is liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- This act makes it obligatory on the part of the Government to ensure admission, attendance and completion of Elementary education by all the children falling in the age bracket six of to fourteen years.
- Essentially, this act ensures free Elementary education to all the children in the economically weaker sections of society.

Meaning of 'child' as per RTE Act, 2009

'Child' means a male or female child of the age of six to fourteen years;

'Child belonging to disadvantaged group' means a child with disability or a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or other factor, as may be specified by the Government, by notification;

'Child belonging to weaker section' means a child belonging to parent or guardian whose annual income is lower than the minimum limit specified by the Government, by notification;

A child with 'disability' as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);

A child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);

A child with 'severe disability' as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999).

If there was no provision for free and compulsory education for children, what would be the social implications in our society?

Samagra Shiksha

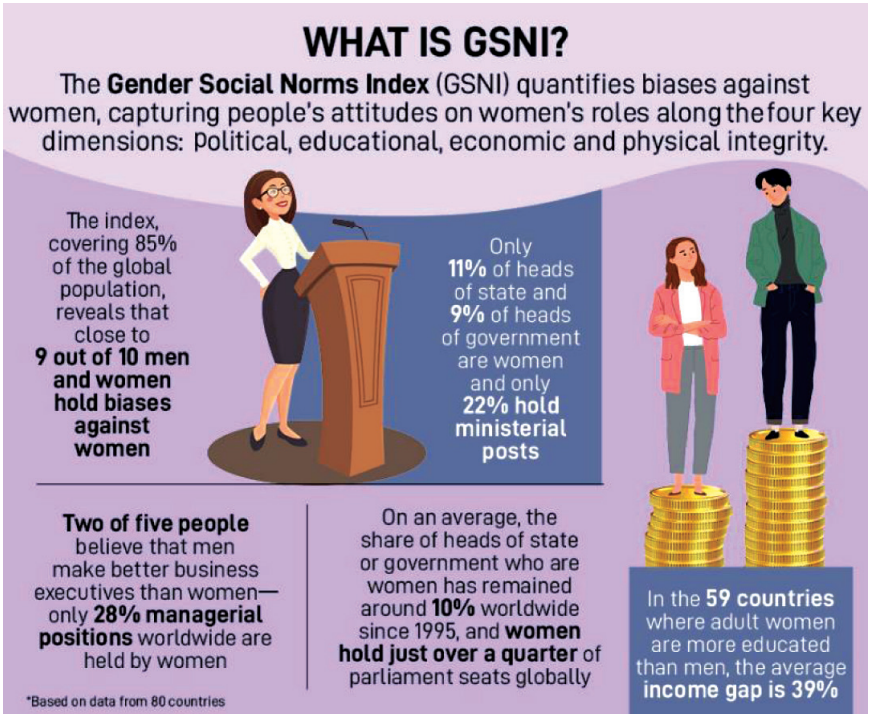
Samagra Shiksha, an overarching programme for the school education sector extending from pre-school to Grade XII has been, therefore, prepared with the broader goal of improving school effectiveness measured in terms of equal opportunities for schooling and equitable learning outcomes. It subsumes the three erstwhile schemes of Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) and Teacher Education (TE).

This sector-wide development programme or scheme would also help harmonise the implementation mechanisms and transaction costs at all levels, particularly in using State, district and sub-district level systems and resources, besides envisaging comprehensive strategic plan for the development of school education at the district level. The shift in focus is from the project objectives to improving system-level performance and schooling outcomes which will be the emphasis of the combined scheme along with incentivising States towards improving the quality of education.

The scheme envisages the 'school' as a continuum from pre-school, Primary, Upper Primary, Secondary to Senior Secondary levels. The vision of the scheme ensure, inclusive and equitable quality education from pre-school to senior secondary stage, in accordance with the Sustainable Development Goal (SDG) for education.

Focus on girl education under samagra shiksha:

- Upgradation of Kasturba Gandhi Balika Vidyalayas (KGBVs) from Grades VI–VIII to Grades VI–XII.
- Self-defence training for girls, from Upper Primary to Senior Secondary stage.
- Enhanced Commitment to Beti Bachao, Beti Padhao.
- Enhanced financial support for 'Stand-alone Girls' hostels for Grades IX–XII (KGBV Type IV) of upto Rs 40 lakh per annum (earlier ₹25 lakh per annum).
- Provision of incinerator and sanitary pad vending machines in all girls' hostels.
- Training for three months aimed for inculcating self-defence skills, to be renamed as Rani Laxmibai Atma Raksha Prashikshan and amount increase from ₹3000 to ₹5000 per month. Under Samgra Sikhsha that has extended upto 2025–26.
- Separate provision of stipend for the CWSN girls at ₹200 per month for 10 months, in addition to the student component from pre-primary to Senior Secondary level.



Source: https://www.forbesindia.com/article/news/gender-equality-still-a-far-cry-report/86197/1

Gender Equality in Health and Wellness

Gender Equality and Health



Source: http://www.123rf.com/stock-photo/social-determinants-of-health.html

Health and nutrition are issues of utmost concern for a country like India. A large section of our population is still dependent on the Government provided public distribution system to acquire food for their daily consumption. At the same time, malnutrition and access to nutritional food is still

a challenge for India. The framers of the Indian constitution were aware of these challenges and included the Right to Health under the constitution of India.

According to Article 47 of the Indian Constitution, the State's principal duty is to improve the nutritional status and condition of living of its citizens. Right to Health is the now elevated to status of a Fundamental Right under Article 21 of the Constitution of India and the guidelines provide directives to the State to ensure adequate healthcare facilities for citizens.

The National Food Security Act, 2013 grants legal entitlement to receive subsidised food grains through the targeted Public Distribution System up to 75 per cent of the rural population and 50 per cent of the urban population, respectively. Therefore, the act covers almost two thirds of the people to get heavily subsidised foodgrains. To empower women, the act requires that the head of the home for the purposes of distributing ration cards be the eldest woman in the household who is at least 18 years old.

Gender Equality and Wellness



Source: https://globalwellnessinstitute.org/what-is-wellness/

Gender equality refers to the equal treatment of individuals regardless of their gender identity or expression. It is an essential component of social justice, human rights and well-being. Gender inequality can negatively affect individuals' well-being in several ways, including their physical and mental health, economic opportunities, access to education, and political participation.

The table given below highlights the various dimensions of wellness:

S.No.	Dimensions	Description
1.	Physical	▪ Caring for your body to stay healthy, now and in the future.
2.	Intellectual	▪ Growing intellectually, maintaining curiosity about all there is to learn, valuing lifelong learning and responding positively to intellectual challenges. ▪ Expanding knowledge and skills while discovering the potential for sharing your gifts with others.
3.	Emotional	▪ Understanding and respecting your feelings, values and attitudes. ▪ Appreciating the feelings of others. ▪ Managing your emotions in a constructive way. ▪ Feeling positive and enthusiastic about your life.
4.	Social	▪ Maintaining healthy relationships, enjoying being with others, developing friendships and intimate relations, caring about others, and letting others care about you. ▪ Contributing to your community.
5.	Spiritual	▪ Preparing for and participating in work that provides personal satisfaction and life enrichment that is consistent with your values, goals and lifestyle. ▪ Contributing your unique gifts, skills and talents to work that is personally meaningful and rewarding.
6.	Vocational	▪ Preparing for and participating in work that provides personal satisfaction and life enrichment that is consistent with your values, goals and lifestyle. ▪ Contributing your unique gifts, skills and talents to work that is personally meaningful and rewarding.
7.	Financial	▪ Managing your resources to live within your means, making informed financial decisions and investments, setting realistic goals, and preparing for short-term and long-term needs or emergencies. ▪ Being aware that everyone's financial values, needs and circumstances are unique.
8.	Environmental	▪ Understanding how your social, natural and built environments affect your health and well-being. ▪ Being aware of the unstable state of the Earth and the effects of your daily habits on the physical environment. ▪ Demonstrating commitment to a healthy planet.

Thus, the aim of the dimensions of wellness is to bring about gender parity and ensure equality for all.

Strategies

Various initiatives or strategies are being taken up by the following organisations and agencies to promote gender equality in all spheres:

1. Strategic partnerships between the Ministry of Women and Child Development and UNICEF India are supporting the cause of gender equality. UNICEF India works closely with other UN agencies to support gender equality, especially with United Nations Population Fund and UN Women. Civil society organisations, including gender experts and activities are also key partners.
2. Initiative to bring about equality: The Spotlight Initiative is an EU or UN partnership and a global, multi-year initiative focused on eliminating all forms of violence against women and girls—the world's largest targeted effort to end all forms of violence against women and girls.
3. National Commission for Women: In 1992, the National Commission for Women was established under the National Commission for Women Act, 1990 to protect the human rights of women.
4. The Legal Services Authorities Act, 1987 also provides for free legal aid to women and children in destitute and in need of legal help.
5. Political Reservation: The Government has reserved 33 per cent of the seats in Panchayati Raj Institutions for women.
6. Female Entrepreneurship: To promote female entrepreneurship, the Government has initiated Programmes like Stand-Up India and *Mahila e-Haat* (online marketing platform to support women entrepreneurs/SHGs/NGOs), Entrepreneurship Skill Development Programme (ESDP).
7. Kasturba Gandhi Balika Vidyalaya: They have been opened in Educationally Backward Blocks (EBBs).

Activity

Read about the following schemes or programmes initiated by the Government and discuss with your peers to create awareness about gender equality.

a. Beti Bachao, Beti Padhao
b. Mahila Police Volunteers
c. Rashtriya Mahila Kosh
d. Sukanya Samriddhi Yojna

Message for the Parents



Embrace Gender Equality for a Brighter Future!

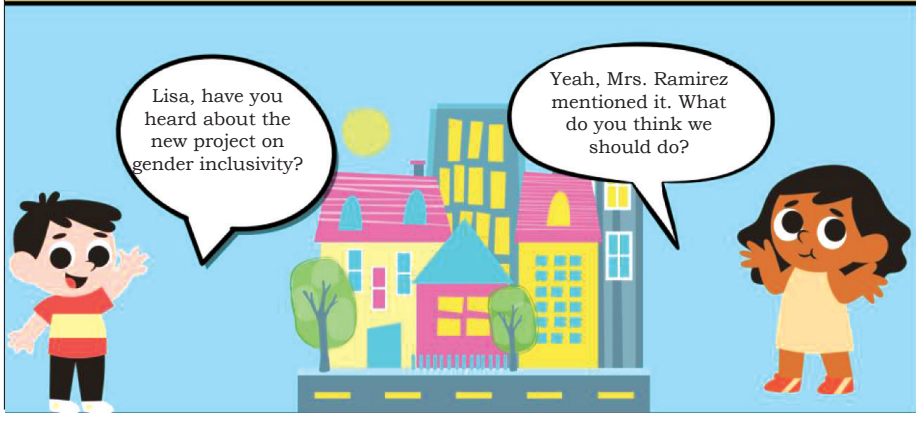
Parents play a pivotal role in instilling values and principles in their children and promoting gender equality as a key aspect of building a just and harmonious society. It is crucial to recognise that gender equality is not just a women's issue; it is a human rights issue that affects us all. By fostering an environment that values and respects individuals irrespective of their gender, we contribute to creating a world where everyone has equal opportunities to thrive and succeed.

Here are a few thoughts to consider:

1. **Lead by Example:** Children learn from what they see and their experience at home. Demonstrate equal partnership and shared responsibilities in your daily lives. Show them that both parents are capable of and responsible for various tasks, regardless of the traditional gender roles.
2. **Encourage Open Conversations:** Create a safe space for your children to express themselves without the fear of judgment. Encourage them to share their thoughts on gender stereotypes and challenge any biases they may encounter. Foster a sense of curiosity and openness about the diversity of gender identities.
3. **Introduce them to Diverse Role Models:** Introduce your children to a variety of role models who have defied gender norms. This could include historical figures, contemporary leaders or even people within your community who break stereotypes. Let them see that success knows no gender.
4. **Teach Respect and Empathy:** Instil the values of respect and empathy in your children. Help them understand that everyone, regardless of gender, deserves kindness, fairness and understanding. This will contribute to building a compassionate and inclusive mindset.
5. **Challenge Gender Stereotypes:** Be mindful of the media and cultural messages your children are exposed to. Discuss with them how certain portrayals can perpetuate harmful stereotypes. Encourage critical thinking and help them, question societal norms that may limit opportunities based on gender.

GENDER INCLUSIVITY

EMBRACING UNIQUENESS: THE INCLUSIVE ODYSSEY



GENDER INCLUSIVITY

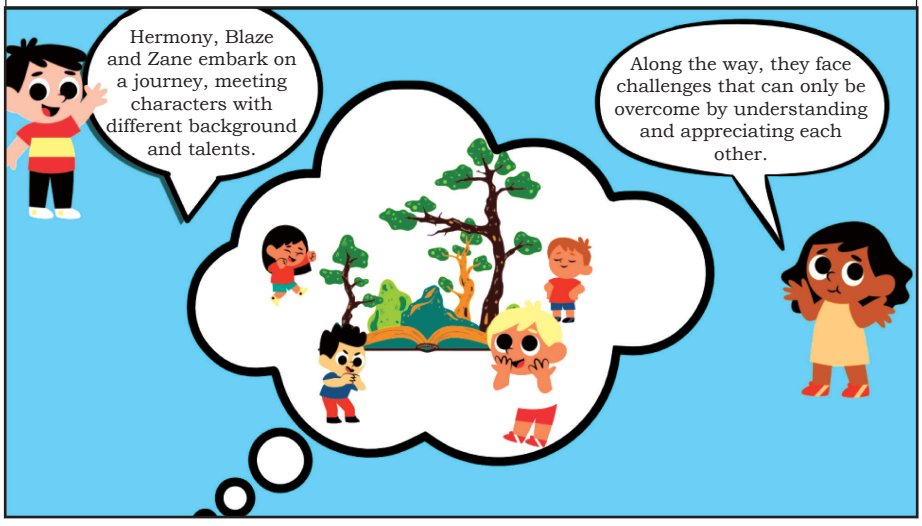
Scene 2: Enter Mrs. Ramirez



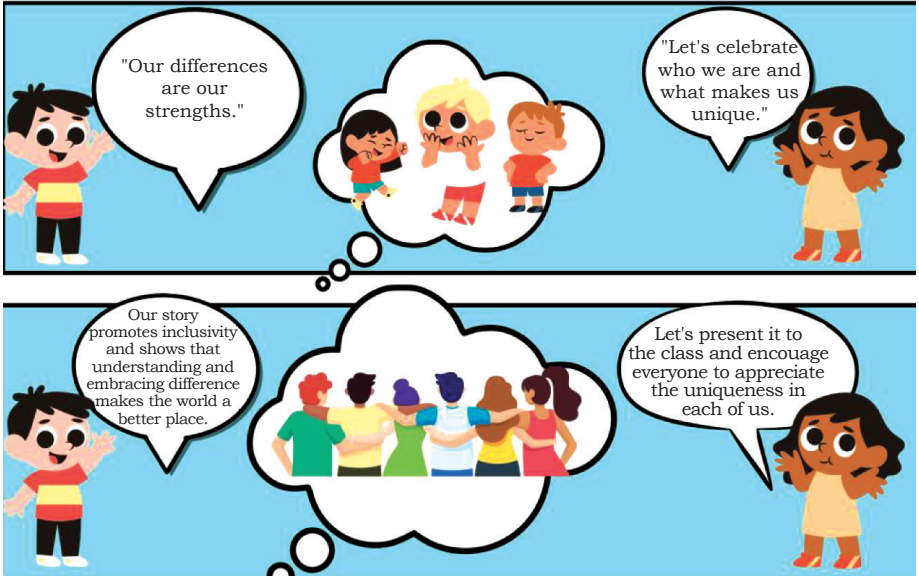

GENDER INCLUSIVITY
Let's make it interesting, something that makes a real impact.
Agreed, how about a story where two friends discover the importance of embracing difference?
Picture this— our characters find a mysterious portal in the school that leads to a world where everyone's uniqueness is celebrated.
Nice! They can learn valuable lessons about breaking stereotypes and building strong connections.


GENDER INCLUSIVITY
Meet Hermony—a non-binary explorer with the ability to see the beauty in dicversity.
And this is Blaze— a fearless and open-minded boy who becomes Hermony's adventure buddy.
And lets' not forget our friends zone, a transgender character who shows us the importance of authenityand self-discovery.
Nice! They can learn valuable lessons about breaking stereotypes and building strong connections.

GENDER INCLUSIVITY



GENDER INCLUSIVITY



Comic strips by Aadya Mishra
DPS, Mathura Road

References

Stoewen, D. L. 2017. Dimensions of Wellness: Change Your Habits, Change Your Life. *The Canadian Veterinary Journal*. 58(8). 861. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5508938/

Weblinks

https://www.un.org/sustainabledevelopment/gender-equality/
https://www.unesco.org/en/inclusion-education
https://www.undp.org/sustainable-development-goals/quality-education?gclid=CjwKCAjw7c2pBhAZEiwA88pOF_dhDG0b3MEZm9ShjYoakyWR98_x5At31FjAprTQi7g0lZAkhsZO7hoCKmUQAvD_BwE
https://samagra.education.gov.in/docs/samagra_shiksha.pdf
https://pib.gov.in/Pressreleaseshareaspx?PRID=1806161#:~:text=This%20umbrella%20scheme%20covers%20several,linkages%20etc%20with%20the%20support
https://www.indiatoday.in/education-today/gk-current-affairs/story/list-of-transgenders-firsts-who-made-it-big-in-their-fields-1276415-2018-07-03
https://main.sci.gov.in/pdf/LU/04092023_070741.pdf

THEME 5

EMPOWERING CHILDREN WITH SPECIAL NEEDS



EMPOWERING CHILDREN WITH SPECIAL NEEDS

Learning Outcomes

After going through this theme, you will be able to:

- Understand CWSN and the challenges they face.
- Classify diversity of physical and mental disability.
- Analyse the concept of inclusion in the schooling context and what is their opinion about the methodologies to translate the concept into practice.
- Identify different redressal mechanism regarding conflicts faced by CWSN.

Introduction

Equity and inclusion are an integral part of the Constitution of India. The Preamble to the Constitution emphasises on justice, liberty, equality and fraternity to all citizens from diverse backgrounds. This focus would help in ensuring the well-being and dignity of all. The concern for Children with Special Needs (CWSN) has been woven into the National Education Policy (NEP) 2020. The policy refers to achieving quality and inclusive education for all. In the context of CWSN, there is a special reference to them as *Divyang.* The policy states that concerted efforts need to be made to integrate their issues and concerns, so that they are retained in the schooling system and complete their education without any hindrances or impediments. It is envisioned that children who are in the receipt of education are empowered, have self-esteem, confidence and are gainfully employed as per their skills. This would enable them to contribute towards the betterment of the self, family and society.

Legal literacy would play a significant role in making CWSN aware of their rights and duties, along with other stakeholders that include parents, teachers, community members, and so on. Further, it would commit all citizens to working towards shaping a better tomorrow with a human touch and promoting the values of caring and sharing.

The Government of India has conceptualised several schemes for the holistic development of CWSN. The more prominent ones are Samagra Shiksha (2018–19) which focuses on providing the overall quality education to CWSN. Interventions under this scheme lay thrust on provisions of aids, appliances, corrective surgeries, braille books, e-books, large print books and uniforms. This would go a long way in meeting the direct cost of education that often hinders parents from continuing the education of their children. The

scheme also includes therapeutic services, the development of teaching learning materials, assistive equipment, and so on. It also emphasises on strengthening sensitivities regarding the infrastructure facilities, as per the needs of CWSN.

The other areas comprise the orientation of teachers and administrative staff for better understanding of the requirements of CWSN. All capacity-building programmes aim to orient teacher educators and teachers on integrating concerns and the needs of CWSN into the classroom and the schooling processes.

Another significant initiative in this direction is the Accessible India Campaign (Sugamya Bharat Abhiyan) by the Department of Empowerment of Persons with Disabilities (DEPwD). Herein, the DEPwD is collaborating with the Ministry of Home Affairs, the Ministry of Health and Family Welfare, and the Ministry of Tourism to collectively help in the creation of accessible police station, accessible hospitals and accessible tourism, respectively across the country.

The implementation of these schemes along with a commitment to the SDGs such as SDG 3: Good Health and Well-being, SDG 4: Quality Education, SDG 5: Gender Equality, SDG 10: Reducing Inequalities, and SDG 16: Peace, Justice and Strong Institutions would help in carving a pathway for bridging all the gaps between policies and practices for the betterment of all children, in particular CWSN. Recently, G20's discussion on the Delhi Declaration emphasised on ending all kinds of exclusion and strengthening efforts towards a more inclusive society.

Rationale

Legal literacy is about creating awareness in the context of rights and duties, in regard to the betterment of Persons with Disabilities (PwD). The knowledge about PwD is important so that all forms of overtly and covertly discriminatory practices against CWSN are addressed in a substantial manner. Also, awareness about the relevant laws and the latest acts is crucial in helping CWSN lead a quality life. This would take into account the felt requirements and aspirations of children belonging to different age groups from all contexts, especially the rural and the urban. Moreover, legal awareness is important for having an in-depth knowledge about the existing redressal mechanisms and procedures with regard to addressing any kind of grievances and challenges. An in-depth knowledge about whom to approach in case of any violation of rights would help in the restoration of overall dignity and well-being.

Description

The theme portrays vividly the policies and concerns of RPwD Act, and other related acts along with the redressal mechanism for empowering the CWSN. It gives the existing date-base along with poignant case studies. Strategies are woven in the narrative suggested to overcome challenges.

Understanding Inclusion



Courtesy: National Association for the Blind (NAB), Delhi

The term 'inclusion' means including all. It would imply creating and enabling conditions within the schooling system wherein the pedagogical processes and the activities undertaken make every child feel wanted and be a part of the system.

The Indian Parliament has enacted the Right of Person with Disability (RPwD) Act, 2016 which defines 'inclusive education' as a system of education wherein students with and without disability learn together, and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disability.

Inclusion also implies addressing the needs of children with disabilities in a substantial manner. In this regard, the Department of School Education and Literacy, Ministry of Education, and the National Council of Educational Research and Training (NCERT) have developed a disability screening checklist for schools—Pre Assessment Holistic Screening Tool (PRASHAST). This document has been divided into two parts; PRASHAST Part 1 is for the use of regular teachers, for the first level preliminary screening of all students class wise. The PRASHAST Part 2 is for the use of special educators for validating the observations of PRASHAST Part 1.

Provisions

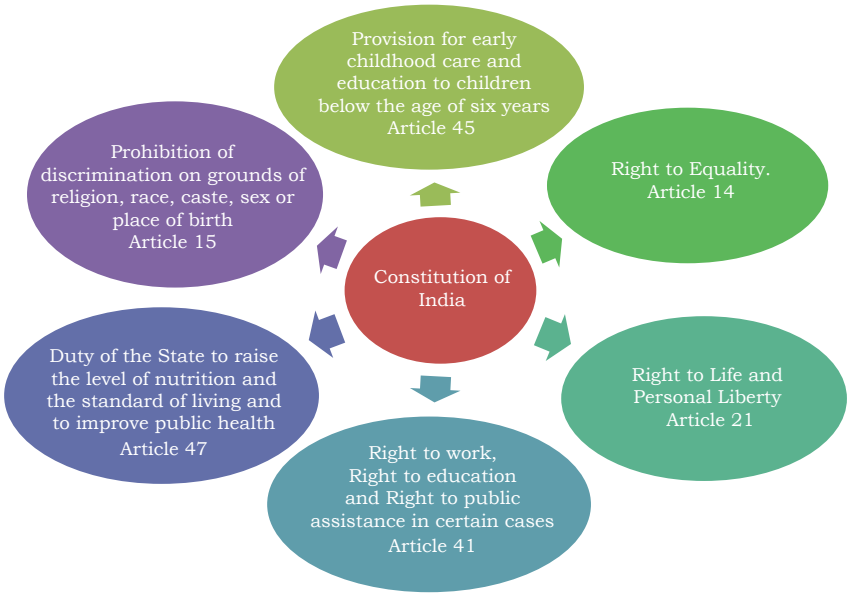


Fig. 5.1: Constitutional commitments

Policies

1. National Education Policy, 2020 mentions that there is an urgent need for:
   - Additional special educator for certain areas of school education, for example, subject teaching for children with specific learning disabilities.
   - Creating and enabling environment, and providing CWSN the same opportunities for quality education.
   - Ensuring the inclusion and equal participation of children with disabilities in early childhood care and education, and the schooling system will be accorded high priority. Children with disability will be enabled to fully participate in the regular schooling processes from the foundational stage to higher education.
   - School complexes will be provided resources for integrating the children with disabilities. This will be tailored as per their needs and requirements.
   - Assistive devices and materials will be made available to make content of disciplines more in their reach.
   - Promoting health check-up for their overall development.
2. UN Convention on the Rights of Persons with Disabilities (Ratified by India in October 2007):
   - Article 7 of the Constitution lays down principles for the empowerment of persons with disabilities.

Acts and Redressal Mechanism

The Right of Persons with Disabilities Act, 2016 has been considered as an evolving and dynamic act, as mentioned earlier. This act covers the following disabilities: blindness, low-vision, leprosy cured person, hearing impairment, locomotor disability, dwarfism, intellectual disability, mental illness, autism spectrum disorder, cerebral palsy, muscular dystrophy, chronic neurological conditions, specific learning disabilities, multiple sclerosis, speech and language disability, thalassemia, hemophilia, sickle cell disease, multiple disabilities including deaf blindness, acid attack victims and parkinson's disease.

- The appropriate Government needs to adopt confidence building measure to protect persons with disabilities.
- Complaint can be registered with the executive magistrate within the local limits of whose jurisdiction such incidents occur.
- Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform and guide the aggrieved regarding various rights to apply for protection, organisations for rehabilitation, free legal aid, filing a complaint, etc.
- Cases can be forwarded to the Metropolitan Magistrate as the case may require.
- The National Disaster Management Authority and the State Disaster Management Authority can take appropriate measures to address issues and concerns of person with disability in its Disaster Management activities as defined under the clause (e) of section 2 of the Disaster Management Act, 2005 for the safety and protection of person with disabilities.
- No child with disability shall be separated from his or her parents on the ground of disability except on an order of the competent court [section 9 (1)].
- If the parents are unable to take care of a child, the competent court shall place the child with his or her near relation, and failing that, within the community in a family setting or in exceptional cases, in shelter home run by the appropriate Government or non-government organisation as may be required.
- The appropriate Government shall ensure that persons with disabilities have access to information reproductive health and family planning.
- The appropriate Government shall take steps to put in place suitable support measures for persons with

disabilities, specially those living outside family and those disabled requiring high support for exercising legal rights.

- The appropriate Government shall designate authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

Relevant Sections of the RPwD Act, 2016

Chapter I

Section 2 (h) defines 'discrimination' in relation to disability, meaning any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, and includes, all forms of discrimination and denial of reasonable accommodation.

Section 2 (s) defines 'person with disability' as a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his or her full and effective participation in society equally with others.

Chapter V: Social Security, Health, Rehabilitation and Recreation, Section 24(1). [Section 25(1) a, b,c]

Section 24(1)—Social Security

The Government (national and state) must, within their economic ability and development, formulate and implement necessary schemes and programmes to safeguard and promote the right of PwDs to an adequate standard of living that must include, access to basic necessities like food, clothing, shelter, healthcare, and social security benefits.

At least 25 per cent of resources allocated to these schemes and programmes must be specifically directed towards PwDs.

Mental Healthcare Act, 2017

Rights of Persons with Mental Health

The Act provides every person with a right to access mental healthcare and treatment from mental health services run or funded by the appropriate Government and establish for the purposes of this act, an authority to be known as the Central Mental Health Authority.

The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

The act provides for the Constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability, and for matters connected with incidental thereto. The objects of the trust shall be to enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to where they belong.

The objects of the trust shall be:

- To enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to where they belong.
- To strengthen facilities to provide support to persons with disability and to live with their own families.
- To extend support to registered organisations in order to provide need based services during period of crisis in the family of persons with disability.
- To deal with problems of persons with disability who do not have family support.
- To promote measures for the care and protection of persons with disability in the event of death of their parents or guardians.
- To evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection.
- To facilitate the realisation of equal opportunities, protection of rights and full participation of persons with disability.
- To do any other act which is incidental to the aforesaid objects.

It is of significance to note that while the redressal mechanisms are in place there is also a need to be sensitive to CWSN for meeting their physical and emotional requirements and aspirations. The redressal mechanism along with the support of all stakeholders would go a long way in building their socio-emotional qualities and confidence levels, so that they can express their feelings and requirements without any inhibitions. Further exploring their creativity and skills would also promote positive reinforcement and bring out their embedded talent. Thus, exploring a variety of alternate pathways would strengthen in building a congenial environment for holistic personality development. In this regard, a beginning can be made from the family, peers,

mentors in the community and any other person who shares an empathetic concern for them.

The Existing Scenario

Table 1: Demography

S. No.	Indicators or Aspects	Male	Female
1.	Total population of India	62.32 crore	58.76 crore
2.	Population of disabled persons in India	1.50 crore	1.18 crore

Source: Census of India, 2011

The data mentioned in the table highlights that the population of male persons with diverse disabilities is comparatively high as compared to the females.

Table 2: Social Groups

S. No.	Social groups	Male (%)	Female(%)
1.	SC	2.68	2.2
2.	ST	2.18	1.92
3.	General	2.37	1.98

Source: Census of India, 2011

The above table highlights that among the SC, the percentage share of males with disabilities is slightly higher as compared to the females. A similar trend is also seen among the ST population. The percentage share of the males is higher as compared to the females. In case of social groups other than SC or ST, a similar trend is observed.

Table 3: Distribution of Disabled Population in the (Age group 0-19 years)

S. No.	Age groups (years)	Male (%)	Female (%)
1.	0 – 4	5	5
2.	5–9	7	7
3.	10–19	18	17

Source: Census of India, 2011

The table highlights that among the adolescent in the age group of 10–19, the percentage of males is slightly higher than of the females.

Table 4: Educational Status of Disabled in India

S. No.	Level of Education	Male (%)	Female (%)
1.	Non-literate	38	55
2.	Literate	62	45
3.	Literate but below Primary	11	10
4.	Primary but below middle	15	11
5.	Middle but below matric or Secondary	11	7
6.	Matric or Secondary but below	16	9
7.	Graduate and above	6	3

Source: Census of India, 2011

Table 4 highlights that among the non-literates, the figure of female is comparatively higher as compared to the males. This is true among the literate section where the percentage share of male is more as compared to that of the females. This is also true among those who have Primary but below middle level education. Additionally, the gender difference can also be seen at the Middle and Secondary stages, and at the graduation level as well.

Challenges

Special needs children face a number of challenges in their daily lives, including:

Academic Challenges

- **Learning Differences:** Special needs children may have diverse learning styles and speeds, making it challenging to follow a standardised curriculum.
- **Communication Barriers:** Difficulty in communication can hinder their ability to express thoughts, ask questions or participate in class discussions.
- **Adaptation to Curriculum:** Standardised curriculum might not cater to their specific needs, requiring modifications and individualised learning plans.
- **Assessment and Evaluation:** Traditional assessment methods may not accurately reflect their abilities, leading to challenges in accurately measuring their academic progress.
- **Limited Resources:** Inadequate access to specialised educational resources, assistive technologies and support services can impede their learning.
- **Social Interaction:** Challenges in social skills may affect their ability to engage with peers, participate



Credits: Yashwant Shrivastava

in group activities and develop essential social competencies.

- **Attention and Focus:** Special needs children may struggle with attention and concentration, making it difficult to stay engaged in lessons.

Social Challenges

- **Social Stigma:** Prejudice and lack of understanding from peers can lead to social isolation and exclusion.
- **Social interaction:** They may have difficulty in reading facial expressions or body language. This can make it difficult for them to interact with others and to build relationships.
- **Peer Relationships:** They may feel insecure about their appearance or their abilities. Due to differences in social cues and behaviours, it is difficult for them to make friends and participate in social activities.
- **Communication Difficulties:** Challenges in verbal or non-verbal communication may impede their ability to initiate and maintain social interactions.
- **Discrimination:** They may face discrimination from their peers, teachers and other adults. This can be in the form of bullying, teasing or low expectations which may affect their self-esteem and overall well-being.
- **Loss of Identity:** Their identity becomes linked with their disability and become a subject of pity.
- **Adaptation to Group Activities:** Challenges in participating in group activities and collaborative projects can hinder their social integration. They may

be excluded from activities because they are perceived as being unable to participate.

Emotional Challenges

- **Bullying:** They may be more susceptible to bullying, as peers may not fully understand their differences, making them targets for teasing or exclusion.
- **Self-esteem Issues:** Constant comparisons with peers or negative reactions from others can contribute to lower self-esteem, impacting the child's confidence and self-worth.
- **Academic Struggles:** Learning disabilities or other cognitive challenges can lead to academic difficulties, potentially causing frustration and a sense of inadequacy in comparison to classmates.
- **Communication Barriers:** Difficulty in expressing themselves or understanding others may result in frustration, hindering their ability to effectively communicate their needs and emotions.
- **Dependency on Others:** Some children with special needs may require more assistance in daily activities, leading to a sense of dependency that can affect their sense of autonomy and independence.
- **Sensory Overload:** Sensory processing issues can cause children to become overwhelmed by stimuli in their environment, leading to emotional distress or meltdowns.
- **Stigmatisation:** Negative attitudes and stereotypes associated with disabilities can contribute to the stigmatisation of children, impacting their sense of belonging and acceptance.
- **Family Stress:** Families of children with special needs may experience increased stress due to the unique challenges involved, and this stress can indirectly affect the child's emotional well-being.
- **Limited Opportunities:** Barriers to participation in recreational activities or community events may limit the child's exposure to social experiences, impacting their overall emotional development.
- **Worrying About the Future:** They may worry about their future and what they will be able to do when they grow up. They may also worry about being independent and living on their own.
- **Low Self-esteem:** They may have low self-esteem due to the challenges they face. They may feel different from their peers and worry about being accepted.

School Accessibility Checklist for CWSN

Write 'Yes' or 'No' to these statements.

1. Ramps:
- Is there a ramp next to the stairs?
- Is the location of the ramp clearly identifiable with a sign?
- Is there an edge protection on both sides of the ramp to prevent wheelchairs from falling off?
- Are there ramps at the entry to the school, classrooms, toilets, playground, library, canteen and auditorium for children with disabilities?

2. Stairs:
- Is the location of the stairs easily identifiable with a sign?
- Are there continuous handrails on both sides?
- Are the handrails painted in colours' contrasting with the wall colour to be easily identifiable by children with low vision?
- Are the step edges of different colours or textures easily identifiable by children with visual impairments?

3. Signage:
- Is there a signage indicating the level on each floor?
- Is there a signage indicating the locations of classrooms and other school facilities?
- Are all the signs presented in braille, text and pictograms?
- Are there signs for girls' and boys' accessible toilets?

4. Doors:
- Can the doors be easily opened and closed by children?
- Are glazed doors marked with a colour band at the eye level for children with visual impairments?

5. Toilets:
- Is there a ramp provided to the accessible toilet cubicles?
- Are there separate toilet cubicles (one each in boys' and girls' toilets) for children with disabilities?
- Is the toilet equipped with an emergency alarm system?

6. School Building:
- Are the school and premises disabled friendly?
- Is the lift in school capable of serving the needs of children with disabilities?

7. Safety:
- Are there any designated officials in the school who is entrusted with the exclusive responsibility of their needs in any emergency?
- Whether students who are differently abled are accompanied by a teacher or attendant when using toilets?
- Are the teachers and students sensitive to fellow students who are differently abled?
- Whether seats for children with locomotors disability are reserved in the bus?

Physical Challenges

1. **Mobility:** Children with special needs may face challenges related to mobility, such as difficulty in walking, balancing.
2. **Safety:** Some children are at an increased risk of accidents and injuries because they may not be able to

see hazards in their environment. They may also have difficulty judging distances speeds or coordination.

3. **Fine Motor Skills:** Some children may struggle with fine motor skills, affecting tasks like writing, buttoning clothes or using utensils.
4. **Sensory Sensitivities:** Sensory processing issues can lead to challenges in handling sensory input, including sensitivities to light, sound, touch or taste.
5. **Adaptive Daily Living Skills:** Learning essential life skills such as dressing, eating or personal hygiene, may require additional support and training.
6. **Inclusive Education Barriers:** Access to inclusive education may be limited, leading to a lack of appropriate resources or understanding in mainstream educational settings.
7. **Medical Needs:** Some children with special needs may have ongoing medical requirements, necessitating frequent appointments, therapies or medical interventions.

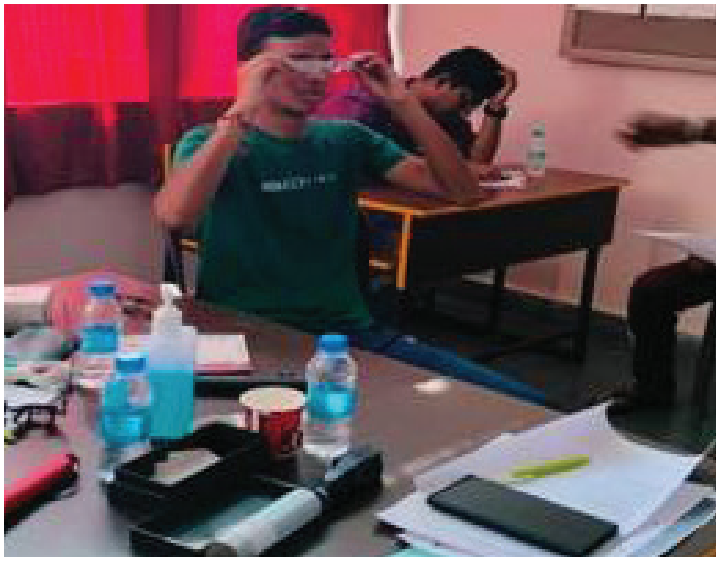


Fig. 5.2: Eye checkup
Courtesy: National Association for the Blind (NAB), Delhi

Additionally, a pro-active effort is required to disseminate schemes and programmes through different social media platforms for strengthening their access and reach to all. Efforts can have a multiplier effect if affordability, accountability, empowerment and employability are envisioned in a holistic manner for the overall development of CWSN.

Given below is a heart rending story of a girl facing disability due to an accident that changed her life:

Rama (name changed), aged 16 years is an adolescent girl. She belongs to a middle class family and led a seemingly happy childhood. During her school vacation, she and her family had gone to their grandparent's house. On the way, her family met with a road accident wherein only she lost her eyesight. Her parents made lots of efforts but could not restore her vision back. She was shattered and in her own words she mentioned that, "it was darkness, darkness all around!". She was unable to differentiate between light and darkness. The onset of dusk, the changing season was also a difficult concept for her to comprehend in the present situation. This saddened her.

Moreover, she could not see her family members and her own dear friends. This was emotionally very disturbing. She stresses that "Her life has changed for the worst", she often wanted to end her life. However, she recalls that her mother was the source of inspiration throughout, who gave her assurance that everything will be alright soon and that she needs to have faith in herself and the Almighty. She took her to an instructor who knew braille and she motivated her to take braille lessons as this would keep her glued to her studies. Since, she was good at singing, her mother arranged for a music teacher to continue her pursuit in music.

These initial encouragements brought her back to face her individual challenge with positivity and courage. She remembers her mother's words of encouragement that "your inner vision is stronger and will keep you going throughout this life". Presently, Rama is invited in many concerts as a noted exponent of classical music. She proudly states that many parents bring their children to meet her and get inspired through her journey of achievement. She is a role model for all.

Based on the case above, discuss with your friends:

1. What are the reasons behind Rama's success?
2. Like Rama, do you know some other visually impaired personality who inspires you?

This is an inspiring story. Many more can be cited as resources for motivating all. Thus, it is important to note that the positive affirmations and attitudes towards CWSN can do wonders in terms of making children feel confident and bring out their creativity to the best. A positive approach is fundamental in addressing various challenges related to stigmatisation, discrimination, exclusion and marginalisation of CWSN.

Strategies to Address Inclusion in a Substantial Manner

There are several workable strategies which have evolved from time to time, to address inclusion and adopt an integrated perspective in making the schooling process enabling for all. Few tried out ones include development of materials in Braille and tactile, both as resources and supplementary reading materials aiming at concept clarification and reading with joy. Open and Distance Learning (ODL) material are

also being developed by several agencies. These materials are now available for different subject areas and different stages of education. In recent times, the use of the sign language is being popularised for meeting the needs of CWSN and adults. The social media platforms are also using the sign language for knowledge dissemination in different fields. The sign language dictionary is an important contribution in this regard. A welcome development is the use of assistive technologies being designed by Government and non-government agencies to strengthen the spirit of inclusion. Some important milestones in this area are Jaipur foot, different types of hearing aids as well as wheelchairs. Recently, an important innovation has also been carried out by an Israeli company, OrCam, in terms of a device that allows visually impaired people to read and recognise faces. Such initiatives will go a long way to facilitate the special needs of learners.

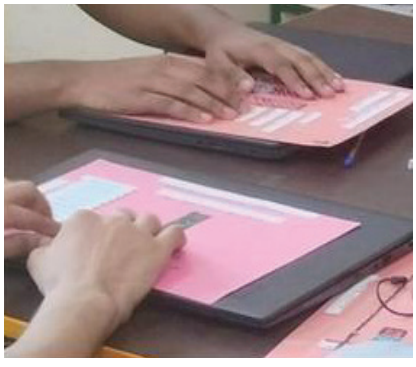


Fig. 5.3: Reading tactile diagrams
Courtesy: NAB, Delhi



Fig. 5.4: Reading braille text
Courtesy: NAB, Delhi

Shifts in Attitude: The Need of the Hour

S. No.	Attitudes (negative approach)	Welcome shift (positive approach)
1.	Sympathy	Empathy
2.	Labelling and using adjective for addressing CWSN	Motivational language and gestures
3.	Treating them as a separate category	Treating all as humans
4.	Ignoring early signs of physical and emotional ailments	Early detection and adhering to PRASHAST guidelines
5.	Myths and misconceptions on disability	Adopting scientific and rational approach

Further, the family and the society need to adopt a positive and pro-active approach in addressing the needs of CWSN from an integrated perspective. A multi-pronged perspective can be conceptualised in addressing different forms of disabilities with a win-win approach. Given below is a guideline that you may adapt as per your need and requirement and also make these listed items as your own checklist.

Guidelines for the Stakeholders

S. No	Do's	Don'ts
1.	Love your progeny.	Don't discriminate between siblings.
2.	Timely detection and ensuring medical care.	Ignoring early symptoms.
3.	Constant monitoring of food intake with a thrust on nutrition.	Giving food as per the taste bud.
4.	Adopting an empathetic attitude.	Sympathising
5.	Exploring strengths.	Focusing on the negative personality traits
6.	Identifying assistive technology.	Taking things for granted without consulting doctors and experts.
7.	Exploring materials in Braille and tactile.	Adopting a negligent approach.
8.	Encouraging confidence building approach by using biographies of change makers.	Ignoring sensitivity and expressions
9.	Making use of the PRASHAST guidelines as checklist for screening disabilities.	

In order to make inclusion an achievable goal, all forms of disabilities that are the road block to quality life needs to be addressed substantially with diversity of approaches. Some of the disabilities are by birth and few others are due to several factors such as accidents, natural calamities, diseases that sometimes affect human organs adversely. Therefore, to cope up with such situations there is a need to sharpen existing interventions in the domain of education, support of family, community, peers and the media can play a critical role and pro-active role for strengthening sustained inclusion. An approach tailored with the needs and requirements of CWSN

with an attitude of sensitivity focuses on creativity, confidence building, harnessing inner potentials and empathy that would go a long way in making persons facing disabilities lead a dignified and quality life.

Also, several teacher training initiatives have attempted to make teachers sensitive towards CWSN at all stages of school education. Further, a move towards strengthening infrastructure facilities to assist CWSN is already in place in many institutions and schools. However, maintenance and provision where it does not exist is to be undertaken through surveys. A multi-pronged need-based approach would strengthen the processes of inclusion in a substantial manner. A diagrammatic representation of the way forward is given below:



Fig. 5.5: Multi-pronged approaches

Empowering the Children with Special Needs: We May Practice for Holistic Personality Development

Self-reflective Exercises

It is important to create a safe and supportive environment for self-reflection. Children should feel comfortable sharing their thoughts and feelings without fear of judgement.

Here are some specific exercises that can be adapted for CWSN:

- **Talk About Experiences:** Ask children questions about their day, their thoughts and feelings and their likes and dislikes. This will help them process their experiences and develop a better understanding of themselves.
- **Identify Self-esteem, Self-strengths and Weaknesses:** It can be identified through observation, conversation and formal assessments. Once children know their strengths and weaknesses, they can start to develop strategies for overcoming challenges and build their strengths.
- **Positive Self-talk:** Help children to develop a positive internal dialogue and providing opportunities for them to practise positive self-talk independently.
- **Goal Setting:** Help children to set realistic and achievable goals for themselves. This can help them to feel motivated and empowered.
- **Diary:** Encourage children to keep a diary about their thoughts and feelings. This can be a great way for them to process their experiences and develop their self-awareness.
- **Creative Activities:** Provide children with opportunities to practise self-reflection such as art, music and writing, it can be a powerful way for children to express themselves and explore their thoughts and feelings.



Fig. 5.6: Art work by visually impaired children
Courtesy: NAB Delhi

Communication Strategies

- **Visual Support:** Use visual aids like pictures, symbols or charts to enhance understanding and communication.

- **Simplified Language:** Speak in clear and simple language, adjusting your communication style to match the child's developmental level.
- **Use of Gestures:** Incorporate gestures and non-verbal cues to reinforce verbal communication and provide the additional context.
- **Repetition and Consistency:** Repeat key information and maintain consistency in routines to help the child build familiarity and understanding.
- **Active Listening:** Pay close attention to the child's cues, whether verbal or non-verbal to better understand their needs and emotions.
- **Interactive Play:** Engage in interactive and play-based activities to create a comfortable and enjoyable environment for communication.
- **Individualised Approach:** Tailor your communication strategies to match the specific needs, preferences and strengths of each child.
- **Allow Response Time:** Be patient and allow extra time for the child to process information and respond. Avoid rushing or interrupting.
- **Positive Reinforcement:** Encourage communication through positive reinforcement, acknowledging and praising the child's efforts.
- **Collaboration with Support Professionals:** Work closely with speech therapists, specialists and other professionals to implement effective communication strategies tailored to the child's needs.
- **Social Interaction:** Encourage social interaction with peers to develop communication skills and build confidence.
- **Supportive Environment:** Create a supportive and inclusive environment at home and school to foster communication and independence.



Fig. 5.7: Playing tactile chess
Courtesy: NAB, Delhi

Evolving Coping Methods

- **Social Stories:** Create social stories that explain various situations to help the child understand and cope with different social scenarios.
- **Mindfulness and Relaxation Techniques:** Introduce age-appropriate mindfulness or relaxation techniques to help the child manage stress and anxiety.
- **Visual Schedules:** Implement visual schedules to provide a clear and predictable routine, aiding in reducing anxiety and promoting a sense of order.
- **Sensory Breaks:** Recognise sensory sensitivities and allow for breaks, providing a quiet and calming space for the child to regulate sensory input.
- **Communication Tools:** Equip the child with effective communication tools, such as communication boards or devices to express their needs and feelings.
- **Emotional Regulation Strategies:** Teach and practice emotional regulation strategies, such as deep breathing or using a feelings chart to identify and express emotions.
- **Social Skills Training:** Offer social skills training to enhance the child's ability to navigate social interactions and build positive relationships with the peers.
- **Peer Support Programmes:** Foster inclusive environments with peer support programmes, promoting understanding and acceptance among classmates.
- **Individualized Education Plans (IEPs):** Develop IEPs that are tailored to the specific needs of each child. Regularly review and adjust these plans as necessary.
- **Advocacy:** Advocate for the rights and accommodations that they require within the education system, ensuring they receive the necessary resources and support.
- **Parental Involvement:** Involve parents and caregivers in the child's education and support network, ensuring they are informed resources and strategies.

Given below is a heart touching story of a boy who met with an accident:

There was a boy named Ravi (name changed). Once, he was going to attend his relative's marriage with his mother and elder brother by car. On the way, they met with a road accident with a truck. His, 21 years old brother, who was driving the car passed away on the spot. Ravi and his mother were injured seriously. In this accident, Ravi lost his eye sight, at that time he was just 11 years old. His father who serves in BSF was posted in Mizoram at that time.

After hearing about the accident, he came and transfer red to Delhi to take care of the situation.

This sudden accident left Ravi and his parents devastated. It was not so easy for them to accept Ravi's blindness. Ravi was totally shattered with this incident. Due to blindness, his studies were stopped and he could not move anywhere without help. He became depressed. But his parents did not lose hope. They continuously encouraged him to live life with this challenge and tried to find ways for their son's studies and daily living skills. In their search, they came to know about National Association for the Blind (NAB), Delhi that focuses on education, computer training and mobility training for visually impaired children. Switching from sighted world to a blind one was a big challenge for Ravi. But with the help of NAB, Delhi, he was trained in mobility, computer training and after that he was able to pursue his studies from mid-term of Class VII. He had many difficulties but he overcame every difficulty such as lack of physical movement, mobility, switching studies from print books to e-books, learning how to use laptop with special screen reading software, etc. He never learnt braille because his fingers were not that sensitive that he can read the tiny dots of braille and it also takes long time to learn it. With the help of NAB, he got admission in Grade VII in a regular school. He is doing well in studies. And now, his performance in class is very good as he is one of the brilliant students of the school. Ravi and his parents showcased a brilliant example of determination, hard work and patience.

Based on the above case, discuss with your friends:

1. How did the tragic road accident impact Ravi's life and what challenges did he face in coping with the loss of his elder brother and the severe injuries he sustained?
2. What role did Ravi's father play in managing the aftermath of the accident, especially considering his service in the BSF?
3. How did Ravi's mother cope with the emotional and physical aftermath of the tragic road accident, and what support systems or resources helped her in dealing with the loss of her elder son and the serious injuries suffered by Ravi?

Empowering the CWSN

Empowering the self is the process of realising your full potential and living a meaningful life. This is especially important for visually impaired children to face additional challenges in the world with confidence and independence.

- **Developing Self-advocacy Skills:** Teach children to effectively communicate their needs and preferences. Help them to learn how to speak up for themselves and ask for help.
- **Encouraging Decision-making:** Provide opportunities for making choices and taking decisions related to their daily activities.

- **Encouraging Hobbies and Interests:** Encourage them to participate in activities that align with their interests, and help them to build a sense of accomplishment and passion.
- **Role Models:** Introduce them to visually impaired role models who are living their successful life. Also tell them about individuals who have overcome the obstacles.
- **Building a Support Network:** Help them to establish a network of support including family, friends, mentors, and adults who can provide guidance and encouragement.
- **Positive Self-image:** This is important for all children, but it is more important for children with disabilities. Teach them to be proud of who they are and to accept themselves.
- **Set Realistic Expectations:** Tell them no one is perfect in this world. Everyone makes mistake. Don't expect to be perfect, just learn from their mistakes and keep trying.
- **Celebrate their Successes:** When they achieve something, praise them and celebrate their success. This will help them to build their confidence and self-esteem.



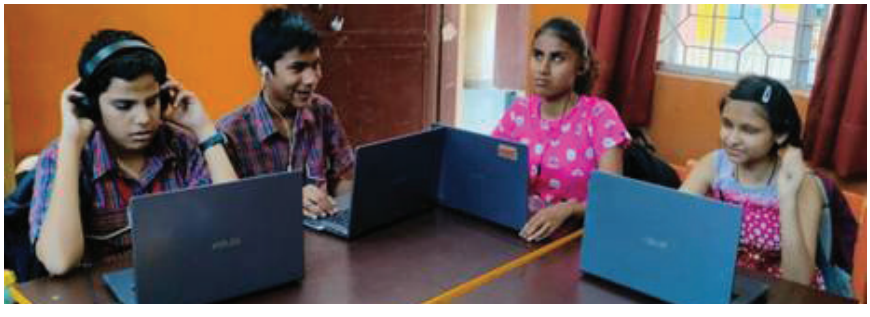


Courtesy: NAB Delhi

Suggested Activities for CWSN

1. **Music and Acting Class:** Put on a tune depicting party music, dance music, yoga, etc. All the children may act naturally on that with hand and leg movements.
2. **Plant a Tree Campaign:** All the children may plant one sapling and give it a cute name, and then give water to the plants they named.

3. **Colour Recognition:** Children will have to identify colours through paintings displayed on the walls and write the names of things depicting those in colours. For example, if children can see yellow colour on the paintings, they should tell the teacher and write that yellow colour is seen in the marigold flowers, walls of the house, etc.
4. **Create Sensory Bins:** Create sensory bins with various textures like sand, rice or beans. This helps children with sensory processing disorders.
5. **Adapted Art Activities:** Provide adaptive tools for art activities such as large grip paint brushes or adaptive scissors. This accommodates children with fine motor skill challenges.
6. **Visual Schedules:** Use visual schedules to help children understand and anticipate daily activities. This is particularly helpful for those with autism spectrum disorders.
7. **Social Skills Games:** Incorporate games and activities that focuses on social skills development. Role-playing scenarios can help children practice and improve their social interactions.
8. **Storytelling and Drama:** Encourage storytelling and drama activities to foster creativity and expression. This can be beneficial for children with communication or language delays.
9. **Inclusive Physical Activities:** Plan physical activities that can be adapted for different abilities. For example, modified games or exercises which accommodate children with physical disabilities.
10. **Peer Buddies Program:** Implement a peer buddies programme where neurotypical students support their peers with special needs during activities and social interactions.
11. **Cue Cards for Visual Support:** Use visual supports like visual schedules, charts and cue cards to aid communication and understanding.



Courtesy: NAB Delhi

स्कूल के वे पल

स्कूल के वे पल, जो याद आएंगे कल।
जब निकलेंगे नए सफर पर, मन में होगी एक ही हलचल
कहां गए वे सब, जिन दोस्तों के साथ लगता था हमारा मन
लंच के समय कैंटीन जाना, वहां जाकर चाऊमीन और बर्गर खाना

क्लास में जाकर दोस्तों का लंच चुराना, और फिर खाने के लिए दोस्तों को बुलाना

बहुत टेस्टी खाना था कहकर उसको चिढाना, फिर गुस्सा हो जाने पर उसको मनाना

घर से असाइनमेंट पूरा करके ना लाना और स्कूल आकर एक नया बहाना बनाना फिर सबसे करीबी दोस्त को काम पर लगाना और उसी से सारा काम करवाना

बर्थडे पर सबको पार्टी कराना, फेयरवेल पर सबका एक साथ होना

दोस्तों के अलग होने पर जी भर के रोना

और सबको यह बताना कि यही है स्कूल के वे पल जो याद आएंगे कल।

—Kajal (A visually impaired student)

Assessment

1. We will be able to understand:
   - What are the different types of disabilities mentioned in the RPwD Act, 2016?
   - What are the different assistive technologies for disseminating knowledge among CWSN?
2. We will be able to:
   - Take a project on understanding inclusion in Government and private schools. You may identify special methodologies and materials used for the concept clarification and better understanding of subjects.
   - You may prepare a report on contributions made by PwD personalities who have made a mark in different fields.

Did you know?

- There is a café by the name of Sheroes, meant to be run by the acid attack survivors in Uttar Pradesh whose contributions goes toward the rehabilitation of survivors of acid violence in India. The café aims to provide employment to acid attack survivors who are not only strengthened and supported by the employment opportunity but the café also aims to create mass awareness against acid violence.
- Echoes café in Delhi is one of the most unique places to visit for some great food and oodles of positive energy as it is seamlessly managed by a team of deaf and mute staff employing over 40 differently abled staff.
- The Hon'ble Supreme Court of India has recently appointed an interpreter to translate through sign language for hearing-impaired lawyers. This is truly a historic and a momentous move by the Chief Justice of India, which shows diversity in true sense in the Court of Law.



Credits: Yashwant Shrivastava

Message for the Parents

Dear parents, your love, encouragement and guidance play an importance role in shaping your child's future. Your dedication to your special needs child is truly inspiring. Your care and patience make a significant difference in their journey. Celebrate small victories. Focus on their abilities and strengths not just disabilities, make them independence and try to provide resource that helps them grow. Recognise and nurture the unique talents your child possesses. Your consistency and love are powerful catalysts for a positive change. Your role as a parent of such a child is extraordinary. Remember, your child's journey is not easy. They may learn to communicate or move differently. Embrace the uniqueness of your child as their differences are what make them extraordinary. Your acceptance shapes a positive environment for growth. Advocate for your child's needs, ensuring they have access to the resources and opportunities necessary for their development. Connect with other parents facing similar challenges. Sharing experiences can offer valuable insights and emotional support. Educate others about your child's condition to promote understanding and reduce stigma. You're not just an advocate for your child but for a more inclusive society.

References

Government of India. 2016. The Rights of Persons with Disabilities Act, 2016, No. 49 of 2016. Ministry of Law and Justice. https://disabilityaffairs.gov.in/upload/uploadfiles/files/RPWD%20ACT%202016.pdf

———. 2020. National Education Policy 2020 (NEP). Ministry of Human Resource and Development. https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf

———. 2022. PRASHAST: A Disability Screening Checklist for Schools (Part-1 and Part-2). Department of School Education and Literacy, Ministry of Education. New Delhi.

Ramchand, B. and Dummugudem. 2014. Inclusive Education as Solution to Barriers of CWSN and Answer for Their Success. *International Journal of Humanities and Social Science Invention*. 3(8).

UNICEF. https://www.unicef.org.file

THEME 6

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES



PROTECTION OF CHILDREN FROM SEXUAL OFFENCES

Learning Outcomes

After going through this theme, you will be able to:

- Gain understanding about the rights of children, identify various forms of child abuse including child sexual abuse and the indicators that suggest such abuse.
- Learn about the legal framework in India, particularly the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
- Understand the pivotal role that teachers and schools can play in ensuring the safety and well-being of children.

Introduction

Every child has the right to live free from violence, abuse and exploitation. Violence against children is widespread and remains a harsh reality for millions of children from socio-economic backgrounds. Children experience different forms of violence and abuse in homes, schools, community and online. It is a grave issue concerning the well-being and future of society's most vulnerable members. Any form of violence or abuse may have lifelong consequences and repercussions on the overall development of children.

Efficient, effective and timely prevention and protective frameworks are essential to combat different forms of violence, abuse and to ensure a child's overall well-being and development. It is the responsibility of all stakeholders to work together, to provide a safe and conducive environment for all children.

In India, significant steps have been taken and mechanisms have been put in place to ensure safety and protection of children from abuse and violence. The most prominent legislation to protect children from abuse is the Protection of Children from Sexual Offences Act, 2012 (POCSO). The POCSO Act deals with preventing sexual offences against children, prescribes appropriate punishments, penalties and sets up child-friendly legal processes.

Rationale

Children are autonomous individuals whose identity is separate from their parents and are entitled to rights, interest and needs of their own. On account of a child's vulnerability,

there is a need for separate framework, recognition and protection. They are entitled to the same human rights as adults and also specific rights that recognise their special needs.

Description

To gain a better understanding of child rights and the jurisprudence behind child specific legislations, it is critical to appreciate the international and historical aspect.

- **Geneva Declaration of the Rights of the Child:** The emergence of a rights-based approach can be traced back to the Geneva Declaration of the Rights of the Child adopted by the League of Nations in 1924. This was the first international instrument that explicitly acknowledged children's rights and specified the need for setting up as pecial safeguards for children.
- **Universal Declaration of Human Rights (UDHR):** Article 25 of the UDHR recognises that children are entitled to special care and assistance. Further, all children shall enjoy special social protection.
- **The Declaration of the Rights of the Child:** In 1959, the UN General Assembly adopted the Declaration of the Rights of the Child, which defines children's rights to protection, education, health care, shelter, and good nutrition.
- **United Nations Convention on the Rights of the Child:** It is one of the most widely ratified human rights treaty in history, and recognises that children are human beings and individuals entitled to their own rights. Further, the treaty emphasises the need for all state parties to make investments, change domestic laws and policies, and implement strict protections to protect children from abuse and violence.

According to the international and domestic laws, a 'child' means a human being below the age of 18 years. All children are entitled to certain rights guaranteed by local laws and the international conventions.

India being a signatory to the United Nations Convention on the Rights of the Child (UNCRC) has committed itself to ensure all children enjoy the right to survival, participation, development, and protection.

Constitutional and Statutory Recognition of Child Rights in India

Development and protection of children is both a moral as well as legal responsibility of every nation. The recognition of the rights of the child is enshrined in the Constitution of India.

Article	Provision
Article 14	Guarantees equality before law as well as equal protection of the law to all.
Article 15	The State shall not discriminate against any citizen…Nothing in this article prevents the State from making any special provision for women and children.
Article 15(1)	Prohibits discrimination against any citizen on the grounds of religion, race, caste, sex, etc.
Article 21A	The State shall provide free and compulsory education to all children of the age 6–4 years in such manner as the State may, by law, determine.
Article 23	Prohibition of traffic in human beings and forced labour.
Article 24	No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
Article 39(e)	Enjoins the State to ensure that the health and strength of workers, men and women and of children tender age are not abused, and that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
Article 39(f)	Enjoins the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that the childhood and youth are protected against exploitation against moral and material abandonment.
Article 45	The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

Case Law

Sheela Barse vs. Union of India 1983 3 SCC 596

If a child is a national asset, it is the duty of the State to look after the child with a view ensuring full development of its personality.

In addition to the constitutional mandate and international conventions, India has enacted various child specific legislations. There are many laws related to children in India. The statutes are listed below:

Laws Related to Children

1. The Guardian and Wards Act, 1890
2. The Immoral Traffic (Prevention) Act, 1956
3. The Young Persons (Harmful Publications) Act, 1956
4. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
5. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production
6. Supply and Distribution, Act, 1992 and its amendment Act in 2003
7. Offences mentioned under Indian Penal Code IPC, 1860

8. The Commissions for Protection of Child Rights Act, 2005
9. The Prohibition of Child Marriage Act, 2006
10. The Protection of Children from Sexual Offences (POCSO) Act, 2012
11. The Juvenile Justice (Care and Protection of Children) Act, 2015

Child Abuse

Child abuse constitutes all forms of physical and emotional ill-treatment, sexual abuse, neglect or any other form of exploitation, resulting in actual or potential harm to the child's well-being, development and dignity. Child abuse is a clear violation of child's rights.

Violence against children knows no boundaries of culture, class, education, income or ethnic origin. It takes place in institutions designed for their care and protection; in schools, online and also within the home.

The POCSO Act, enacted on 14 November 2012 is a comprehensive legislation specifically dealing with child sexual abuse which provides for protection of children from offences of sexual assault, sexual harassment and pornography.

Prior to the POCSO Act, there was no specific legislation that dealt with sexual exploitation or abuse of children. Provisions of the Indian Penal Code (IPC)1860, Immoral Traffic Prevention Act (ITPA), 1956 and the Juvenile Justice Care and Protection of Children Act (JJ Act) 2015, applied to sexual offences against children. However, there were many problems, loopholes and issues which arose:

1. IPC is gender specific, i.e., only a woman or a girl can file a case of sexual assault against a man;
2. Up until 2013, the IPC only covered rape of a woman by a man. Now following the Criminal Law Amendment in 2013, the IPC covers a range of sexual offences against women and further widens the definition of rape;
3. The Juvenile Justice Care and Protection of Children Act does not explicitly provide penal provisions for sexual abuse of children; and
4. The lack of a comprehensive and specific legislation to deal with sexual abuse against children that was absent.

Thus, prior to POCSO, the legal framework to deal with sexual exploitation or abuse was inadequate and the punishments were not proportionate to the crimes being committed. The POCSO Act was brought in, to remedy these flaws and difficulties. The main provisions of the POCSO Act are detailed below:

S. No.	Chapter	Details
1.	II	Types of sexual offences against children and punishments: ▪ Penetrative sexual assault; ▪ Aggravated penetrative sexual assault; ▪ Sexual assault; ▪ Aggravated sexual assault; ▪ Sexual harassment; ▪ Child pornography.
2.	III	Using a child for pornographic purposes and storage of content.
3.	IV	Abetment and attempt of offenses: ▪ These provisions clearly state that abetment as well as attempt to commit an offence are equally punishable.
4.	V	Reporting of cases: ▪ The procedure for mandatory reporting of cases is clearly laid down and the penalties for non-compliance.
5.	VI to IX	Child friendly procedures; Establishment of special courts; Safeguards at trial stage to protect the best interests of the child; Recording of evidence within thirty days of cognizance by the court and disposal of the cases within a period of one year; Burden of proof is on the accused.

The Salient Features of the POCSO Act

1. **Gender Neutral:** It is a gender-neutral law covering all persons below the age of 18 years. As per the 2011 Census Data, there are more than 400 million persons in India below the age of 18 years, which is estimated to be around 36.7 per cent of the total Indian population.
2. **Sexual Offences Defined:** The definition of sexual offences is broad and not restricted to rape. It has clearly defined the sexual offences against children and provided stricter punishments for the same. The act protects children form offences of sexual assault, sexual harassment and pornography. Further, the act punishes abetment as well as attempt of an offence.
3. **Special Courts:** To deal with cases in a more sensitive and time efficient manner, special courts are set up under the POCSO Act. The courts are mandated to set up a child-friendly atmosphere.
4. **Confidentiality:** Details of the child's name, address, school and neighbourhood are protected for the well-being of the child.
5. **Child-friendly procedures:** The POCSO Act has established child friendly procedures for all processes such as investigation, reporting, etc. Some of the procedures are listed below.

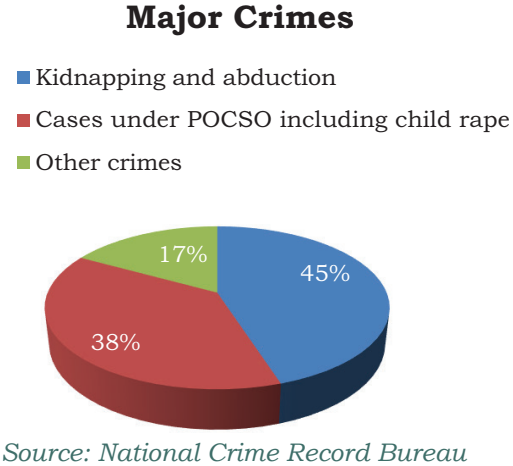
6. **Mandatory Reporting:** Any person (including the child) who has apprehension that an offence is likely to be committed or has knowledge that an offence is likely to be committed, or has knowledge that an offence has been committed shall complain to the Special Juvenile Police Unit or the local police. Not reporting information on sexual offences is punishable except for the child below 18 years of age.
7. **Perpetrator:** Men, women and children can be offenders under the act.
8. **Burden of Proof:** The burden of proof regarding the commission of sexual offence has been shifted onto the accused.
9. **Where to Report:** Local police station, Special Juvenile Police Unit (SPJU), Childline number 1098.

The Magnitude of the Problem

The POCSO Act was enacted to deal with the increasing number of cases of abuse against children, specially sexual abuse. As per the latest 2021 report published by the National Crime Record Bureau, following are the findings:

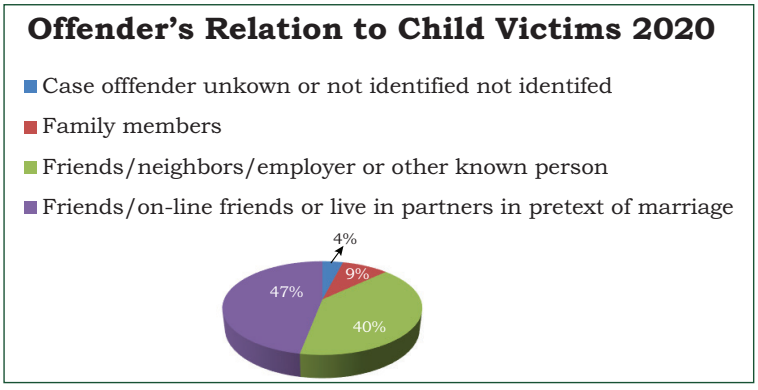
1. A total of 1,49,404 cases of crime against children were registered during 2021, showing an increase of 16.2 per cent over 2020 (1,28,531 cases).
2. In percentage terms, major crime heads during 2020 were kidnapping and abduction (45.0 per cent) and offenses under POCSO (38.1 per cent) including child rape. The crime rate registered per lakh children population is 33.6 per cent, in 2021, in comparison with 28.9 per cent, in 2020.

India has a wide range of laws to protect children, and child protection is increasingly accepted as a core component of social-emotional development. The challenge is in implementing the laws due to the lack of awareness and understanding, inadequate human resource capacity on the ground, absence of quality prevention, and rehabilitation services. As a result, millions of children are prone to violence, abuse and exploitation. However, progress has been made in generating awareness, enhancing legislation and nurturing action towards ending violence, abuse and exploitation of children but more needs are to be done to ensure children and their families benefit from timely, and efficient protection and services.



Source: National Crime Record Bureau

In majority of cases, the child knows the offender. The data presented by National Crime Record Bureau shows that in majority of cases of sexual violence against children, the accused is a known person or acquaintance of victim and close friends or family members including fathers, grandfathers, uncles, cousins, siblings, friends, employees of the school, etc.



Source: National Crime Record Bureau

Early Indicators of a Perpetrator

- Showing undue attention towards a child.
- Insisting on touching, hugging and kissing, tickling or holding the child even when child does not want it or resist.
- Seeming overtly interested in child's sexual growth and often talks about it with the child.
- Constantly manipulating to get lonely time with the child or insist for such.
- Spending most of the time with children and is hardly interested in interacting with age-appropriate friends or colleagues.
- Often buying expensive gifts or giving money to the child for no apparent reason.

Case Study

Swarna is a 12 year old girl. One day when Swarna was playing in the park. She saw uncle Sujit who stayed in her building. When Swarna went to Sujit uncle to greet him, he called her aside and said, "Come with me Swarna, I have some interesting videos on my mobile phone that I want to show you". Swarna was very intrigued and went with Sujit. Sujit took her behind a nearby building and showed her a video with adult content. It made Swarna feel very uncomfortable and she ran away from there. She did not know what to do! When she reached the playground, her friends saw that she was very upset and asked her, "Swarna, what is the matter? Why are you so upset?". Swarna started crying and ran to her mom. Once Swarna was home, she confided in her mother. Her mother said, "Swarna, please do not be upset. It was not your fault at all! What uncle Sujit did is absolutely unforgivable and we will make sure to complain it to the police and punish him. You did the right thing by telling me. It was a brave thing to do and I am proud of you."

Questions to Ponder

- Do you think there was something wrong in the interaction between uncle Sujit and Swarna?
- How do you feel about the remarks of Swarna's mom?
- What can be the ways in which they can complain against uncle Sujit?

Discussion

Discuss the following means and opportunities that are most often adopted by the perpetrators to commit child sexual abuse.

- Getting close to children by building a relationship with the child.
- Being friendly with parents in terms of offering to baby-sit or offer support with child care and other responsibilities.
- Holding trusted positions in the community which puts them in contact with children, such as, childcare, schools, children's groups, and sports team.
- Looking for opportunities to be in contact with children at places like playgrounds, parks, swimming baths and around schools, etc.
- Offering gifts or treats to children and later making them feel guilty and threaten, if the child says 'no' or tells someone.
- Threatening to hurt the child or their families.
- Playing up on the child's fear, embarrassment or guilt about what will happen or perhaps convincing them that no one will believe them.
- Very young or disabled children may lack the words or the right means of communication to let people know what is going on or happening with them.
- There could be many other reasons of not disclosing the abuse to others.

What are the Relief Methods Available to Children Victims of Sexual Offences?

1. **Child-friendly Processes:** The POCSO Act requires respect for the dignity and autonomy of the child at every stage of the legal process. It provides child-friendly procedures for medical examination, recording of the statement by the police and magistrate, as well as during the examination of the child in the court.
2. **Emergency Medical Care:** Children who are the victims of sexual abuse are entitled to receive emergency medical care within 24 hours of the police or Special Juvenile Police Units (SJPU) receiving information about the crime.
3. **Care and Protection:** If the police or SJPU have reasonable grounds to believe that the child is in need of care and protection, they must immediately make arrangements to give the child care and protection,

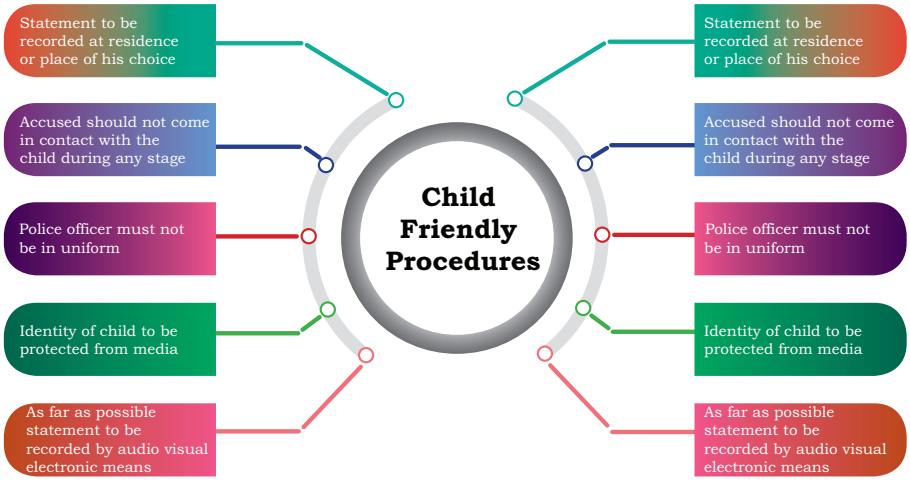


Fig. 6.1: Child-friendly procedures

and also alert the Child Welfare Committee (CWC), the statutory authority vested with this responsibility.

4. **Compensation:** A child victim may receive interim compensation for immediate needs and for relief or rehabilitation and final compensation for the loss or injury caused to him or her.
5. **Punishment:** The act prescribes punishment for offenders who commit sexual offences against children.
6. **POCSO E-Box:** The POCSO E-Box is an initiative undertaken by the National Commission for Protection



of Child Rights (NCPCR). It is an online complaint mechanism to help children report complaints of sexual abuse directly to the commission. The system enables easy reporting for the victims and ensures timely action against the offenders under the POCSO Act, 2012. E-Box is very simple to operate so that children can access and operate the system and help to maintain the confidentiality of the complaint.

7. **Childline 1098:** Childline 1098 is a national 24-hour toll free emergency phone service for children in distress.



Let's Talk About Safe and Unsafe Touch

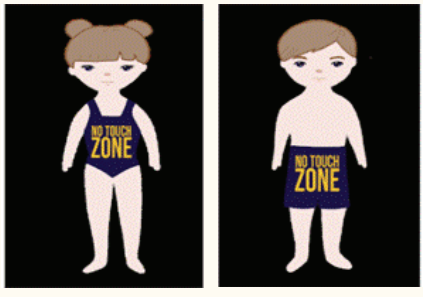


Fig. 6.2: Safe and unsafe touch

- No one should touch you anywhere your bathing suit cover
- No one should ask you to touch them somewhere that their bathing suit covers.
- No one should show you a part of their or someone else's bodies that their bathing suit covers.
- No one should take pictures or tell you to take pictures of body parts that your bathing suit covers.
- The concept of 'private zones' and what parts of the body are considered 'private'.
- The different kinds of appropriate or inappropriate, good or bad touching that a child can experience.
- That it is possible that a person whom the child knows and likes, may try to hurt them.
- To trust their intuition about people and situations.
- About healthy sexual development.

Myths and Misconceptions

- Strangers, in a park or on a lonely street are more likely to abuse children—in fact, the situations we need to safeguard our child against occur inside or close to our homes, schools, playgrounds, etc.
- There is no way a family member like a father or grandparent could abuse their child—people who sexually abuse children do not look any different from other people.
- Only men abuse children—though in the majority of cases, the offender is male person but it does not establish that women cannot abuse a child.
- Only young children are abused—abuse can happen to any child, younger or older.
- Child sexual abuse happens only to girl child—gender has no role to play with whether a child has been abused or not.
- It only happens in low-income families—child sexual abuse has no boundaries. It can happen to a child from any background, gender, nationality or status.
- Children are young...they will grow up and forget it happened—the psychological effects of sexual abuse can have long term impact on the child.
- If we report cases of child sexual abuse, it will have an adverse effect on the child and family—the POCSO makes reporting of child sexual abuse mandatory.

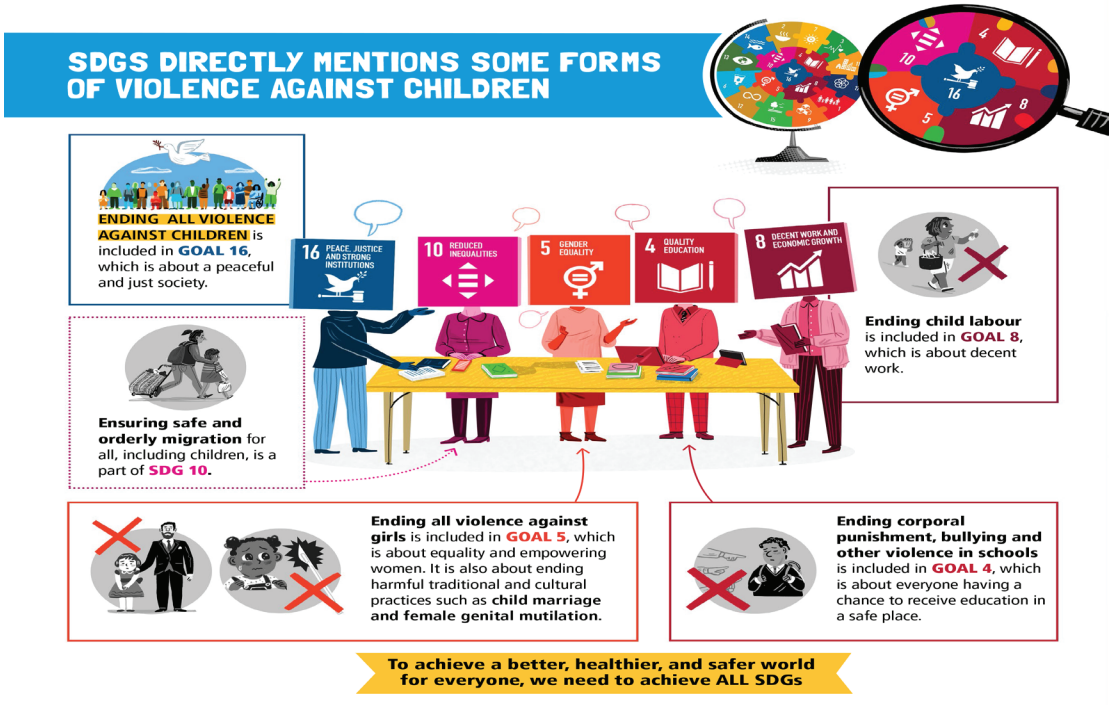


Fig. 6.3: Sustainable development goals and child rights

As part of the Global Goals, the 2030 Agenda for Sustainable Development presents us with a historic opportunity to place the protection of children at the heart of the policy actions of every nation and to build a world where all children everywhere enjoy freedom from fear and from violence in all its forms.

Ensuring ACCESS TO SERVICES like education, health and justice protects children from violence





Peaceful, inclusive and just society keeps children safe

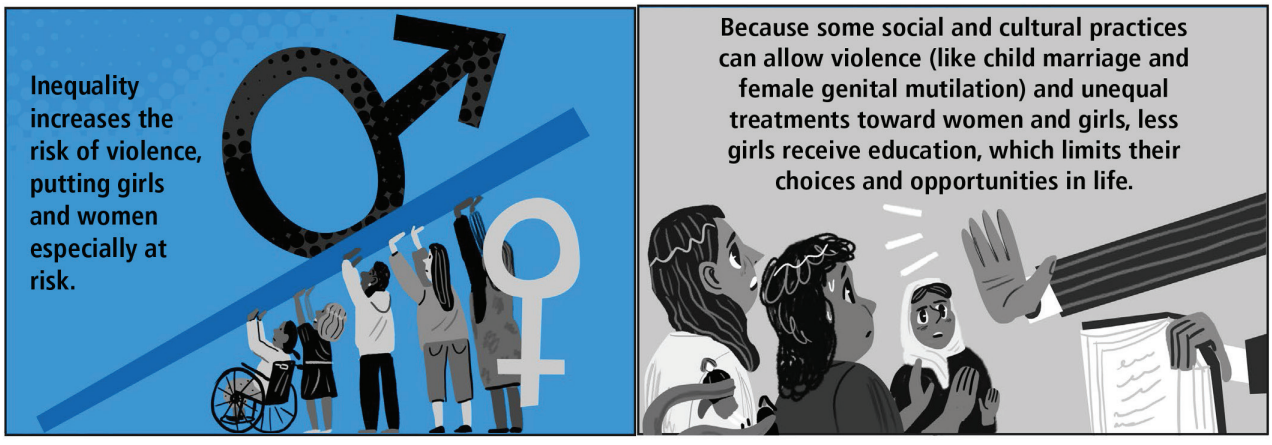




Source: https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/child-friendly-a-safer-world-for-children-with-sdgs-final-eng.pdf

GENDER EQUALITY

Inequality is the opposite of equality. Inequality and discrimination among genders is when a group of people are treated unfairly because of their gender.



Source: https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/child-friendly-a-safer-world-for-children-with-sdgs-final-eng.pdf



Source: https://www.sathguru.com/sankalp/sankal-accelerates-child-safety-through-collaborative-partnership/

Interesting Fact!

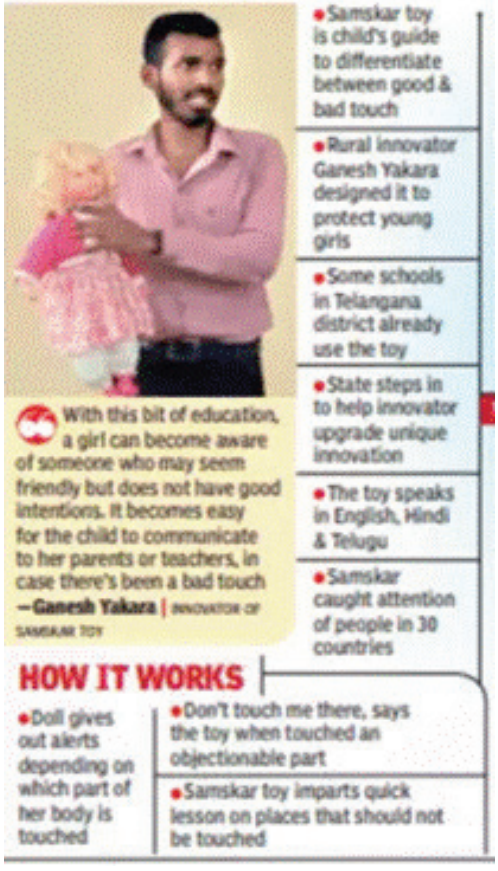
Samskar Toy help educate children on good or bad touch *Samskar* Toys was founded by three innovators—Yakara Ganesh, Gundu Bharadwaja and Dr MK Kaushik.

These three young innovators have developed a soft toy which has electronic sensors that vibrate and talk when touched by the children.

"The toy is fitted with sensors that when touched upon, educates the children, on whether the said touch is a good touch or a bad touch by making noise. It communicate both in English and Telugu, and makes a sound when anyone touches the private parts. While theoretically children are taught this concept not many can grasp the issue. We thought, why not develop a product that provides a visual element to this concept and that is how this toy was born", says Kaushik, who had helped Ganesh and Bharadwaja through Vaagdevi Incubation and Business Accelerator (VIBA) in providing technical and market knowledge.

This toy, according to Ganesh, is well-suited to provide education to children in the age group of 3–12 years and they are already getting orders from Government schools, private educational institutions, the Telangana Government, and also from international markets like Poland.

Source: https://telenganatoday.com/samskar-toys-help-educate-children-on-good-bad-touch



Source: https://timesofindia.indiatimes.com/city/hyderabad/reputation-first-hyderabad-schools-take-a-back-seat-in-lodging-pocso-cases-raw-wounds-dont-heal/articleshow/96096931.cms



Source: https://telenganatoday.com/samskar-toys-help-educate-children-on-good-bad-touch

Activities

Activity 1

Audiovisual interactive videos

Delhi Police Interactive Videos: https://dpinteractivevideos.in/

The participants can view the videos and discuss the following topics:

1. Have you ever faced any similar situation?
2. Do you have a trusted adult you can turn to in a crisis?
3. Do you know that there are laws to protect children from abuse? Can you name some of the laws?
4. Do you know the child helpline number?

Activity 2

Case 1: Anvi is a 7 year old girl living in Delhi. One day, she notices that her best friend Kushala is very sad. Anvi runs to Kushala and asks her to join her in a game of hide and seek. Kushala starts sobbing and tells Anvi, "No, please do not ask me to hide, I am very afraid of dark corners! Bad things happen there!". Anvi does not understand what Kushala means but holds her hand and walks her to class. From the next day, Kushala stops coming to school. Anvi tries to call Kushala on the phone but she doesn't get any reply. After a few days, a worried Anvi approaches the school headmistress and tells her about the incident.

Ms. Manika the headmistress assures Anvi by saying, "Anvi, thank you for bringing this incident to my notice. I will call the child helpline number 1098 immediately and together we will ensure that Kushala is ok".

Questions to Ponder:

1. Did Anvi do the right thing by reporting Kushala's story to the headmistress?
2. The childline can provide help required in such situations. What is the number of the childline?

Activity 3

Unscramble the Tiles to Reveal a Message.

Each tile is used only once. Use spacing, punctuation and common words to find the adjacent tiles. Some words may be split into two lines.

1. C H | N E | 0 9 | H E | L I | L P | 8 | D | 1 | I L

2. E N | I T | T I | I D | Y | A L | N F | C O

3.

T	P	O	O	C S	A C

Activity 4

Conduct a poster making competition on the themes:

Children's safety or Break the Silence or Ice-breaking sessions

Activity 5

Read the news article then reflect and discuss the importance of speaking up about abuse.



Child sexual abuse: Awareness the only way to protect your children

Kitu Gopal Harish reports on a CSA awareness workshop conducted for staff and parents by The Orchid School, Ranvet at the start of the new academic session

DID YOU KNOW?

PERPETRATORS could be right before you

A friendly neighbour
A tutor, an uncle
Brother's friend
Sister's boyfriend
Sometimes even a parent...

1 in 3 girls

1 in 7 boys are sexually abused before the age of 18

53% Indian Children Sexually Abused

RECOGNISING ABUSE

'Let kids speak to us with confidence and trust'

21

Source: https://www.linkedin.com/posts/lakshmi-kumar-006a5a73-spoken-on-this-subject-a=while-ago-relevant-activity-7077166046809403392-WVIB?trk=public-profile-like-view

1. Why is it important to report sexual abuse?
2. What steps can be taken by the law enforcement agencies schools and parents to give a child more confidence to speak up in case such crime happens?

Activity 6

Who Could be the Abuser?

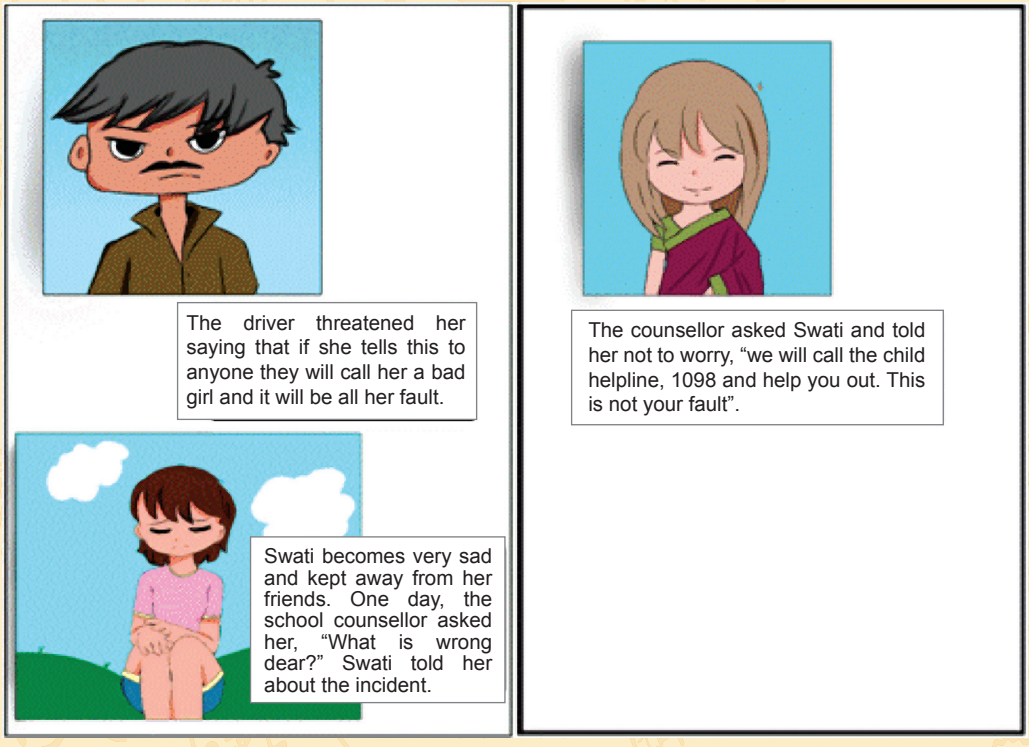
An abuser has no special characteristics. It is important for students to understand that anyone can be an abuser. Discuss with students about who could be an abuser. Following will help initiate the discussion.

1. Most of the times, it is people whom we know and care about.
2. An older or more knowledgeable child.
3. An adult (stranger, sibling, parent or caretaker).
4. A known person from immediate circle.
5. A direct family member.
6. A relative, neighbour, member of household or a stranger.

Activity 7 (Strategies)

Read the following comic strips and discuss (self reflective exercise and coping).





Artist, Shagun Dangwal, Class XI, Bloom Public School, Delhi

1. Reflect on the story described above. Discuss the role of the counsellor in the above situation (coping).
2. Through a role play, enact how you would have counselled and advised Swati if you were the counsellor.

Activity 8 (Communication)

Conduct a debate between the students on any of the following topics:

1. Should schools incorporate the POCSO awareness in their curriculum?
2. Are stricter punishments the solution to deter child sexual abuse?
3. The role of social media in combating child sexual abuse: boon or bane?

Activity 9

Solve the puzzle to uncover the words related to the redressal mechanism under the POCSO Act.

1. The teacher of Class VI comes to know that a child, in the class, is in the danger of being sexually abused by a relative. What is the teacher's duty under the POCSO Act?

M					T						P	O					

2. The phone number to call when you are in danger is:

3. You can also report child sexual abuse to this special unit dedicated to juvenile cases. The short form of this unit is SJPU.

	P	E					J	U							O						N		

Self Awareness Assessment—Self, Peer and Group

1. Revisit the story of Swati and discuss if you have a friend like Swati what should you do? Is it best to involve a trusted adult like a teacher or counsellor, or try to solve the matter yourself? (Self assessment)
2. Read each of the following myths and introspect. Do you or your partner believe any of these statements? Discuss with your partner on how you started believing these myths? (Peer assessment)
3. Each student should be assigned a partner for this activity.

Questions to Practice Decision Making

1. What if someone you know touches you in a confusing way and asks you to keep it a secret?
2. What if a stranger offered you some chocolates or something that you really wanted?
3. What if someone wants to spend time alone with you, makes excuses to go to secluded places, or ensure that others leave you alone?
4. What if someone is looking or touching your body, and saying it is an inspection or to see how you are developing?
5. What if someone is teaching about sex education and shows pornographic pictures, or shows his or her body parts or touches yours.

Answer Key

Activity 3:

1. Child Helpline 1098 2. Confidentiality 3. POCSO Act

Message for the Parents

The POCSO awareness programme aims to educate our children about their rights, personal safety, and how to recognise and report any form of sexual abuse. The knowledge they gained during this programme is invaluable and will empower them to protect themselves in various situations.

Understanding the significance of POCSO will enhance:

- **Awareness and Prevention:** By being aware of what constitutes inappropriate behaviour, our children are better equipped to recognise and prevent potential instances of abuse. This knowledge acts as a shield, safeguarding them from harm.

- **Confidence and Communication:** The programme has encouraged our children to speak up about their experiences. It has taught them that their voices matter and that they should never hesitate to approach a trusted adult if they feel uncomfortable or unsafe.
- **Legal Rights:** Our children now have a basic understanding of their legal rights and protections under the POCSO Act. This knowledge ensures that they can seek help from the appropriate authorities if they ever face any form of abuse.
- **Building Trust:** The awareness programme has reinforced the importance of trust and open communication within the families. By discussing sensitive topics openly, we create a safe environment where our children feel comfortable sharing their concerns.
- **Preventing Victimisation:** Armed with knowledge, our children are less vulnerable to potential predators. Awareness acts as a powerful tool in preventing victimisation and ensuring the overall well-being of our community's children.

References

Government of India. 2019. The Protection of Children from Sexual Offences (Amendment) Act, 2019. *The Gazette of India.* Ministry of Law and Justice.

———. 2022. Crimes in India. National Crime Record Bureau. Statistics, 1. Ministry of Home Affairs, New Delhi.

Weblinks

https://pib.gov.in

https://wcd.nic.in/sites/default/files/POSCO-Model/guidelines.pdf

THEME 7

ROAD SAFETY FOR CHILDREN AND ADOLESCENTS: A PATHWAY TO A SAFER FUTURE



ROAD SAFETY FOR CHILDREN AND ADOLESCENTS: A PATHWAY TO A SAFER FUTURE

Road safety isn't just about following rules it's about developing good habits and making responsible choices. As children and adolescents, you have an important role to play in ensuring road safety for yourselves and others in your community.



DECCAN CHRONICLE 20 JULY 2012

With accidents on rise, India must focus on road safety

Arindam Chaudhuri

MY SPACE



Source: https://www.fixers.org.uk/feel-happy-fix/the-road-safety-fix/home.php

Objective

To educate children and adolescents in India about road safety, enable them to become responsible and safe road users.

By the end of this module, you'll have the knowledge and skills to be confident and safe road users, making our roads safer for everyone.



Fig. 7.1: Safety first, avoid the worst



Road Safety: A Shared Responsibility, A Safer Tomorrow

Road safety is a collective duty, involving all road users and by working together to prioritise safety today, we can build a safer future with reduced accidents and injuries on the roads. Every individual has a role to play in creating a secure environment for everyone.



Learning Outcomes

After going through this theme you will be able to:

- Understand the importance of road safety.
- Identify, recognise, and interpret common road signs and signals in India.
- Make informed choices while crossing roads.
- Apply and practice responsible road behaviour.

Introduction

This theme is designed to help you become safe and responsible road users. Whether you are walking to school, riding a bicycle or travelling in a car, road safety is essential for everyone. India's roads are bustling with activity and with ever increasing vehicular traffic, the safety of our children and adolescents on the roads has emerged as a paramount concern. Thus, it is imperative to understand how to stay safe in this environment. There are many pedestrian accidents each year. These accidents can result in injuries and even the loss of life. But the good news is, by learning about road safety you can help reduce accidents and keep yourself and others safe. Hence, recognising the unique vulnerabilities of children and adolescents in traffic scenarios, this module delves into the multifaceted dimensions of 'road safety for children and adolescents'. From the nuances of pedestrian behaviour to the role of parental guidance and community initiatives, it aims to shed light on the importance of the culture, of awareness and responsibility. Moreover, the emphasis will be on understanding the specific challenges faced by this demographic group, understanding effective strategies for prevention, and advocating for collective efforts to create an environment where the roads become pathways without compromising the safety of our young road users.

Road safety is not just about following rules, it is about developing good habits and making responsible choices. As children and adolescents, you have an important role to play in ensuring road safety for yourselves and others in your community.

Road safey is another theme that deliberates on the concerns for safety of self and others while driving or crossing roads. It is a shared responsibility of all. Road safety awareness is important for inculcating good habits of obeying traffic rules. This also helps learners become responsible citizens of the country that shape a better tomorrow.

Rationale

Our journey begins with the understanding that the future of any nation lies in the hands of its youth and for this reason, safeguarding their lives and well-being is a responsibility we all share. Road and transport are an integral part of every human being and everybody is a road user in one shape or the other. Moreover, road safety for children and adolescents is a critical aspect of public health and well-being. It is important to note that road safety is not merely a local concern but a global imperative. According to the UNICEF's document on 'Road Safety for Children and Adolescents' road traffic injuries are among the leading causes of death and disability for young people worldwide. Recognising the vulnerability of this demographic group, various policy and international documents emphasise the need for a comprehensive approach to ensure their safety on roads. This rationale is rooted in the understanding that road traffic injuries are a leading cause of death and disability among children and adolescents globally, and concerted efforts are required to address this public health challenge. Hence, by prioritising the safety of our young citizens, we align with the global commitment to create a safer and more sustainable future. Highlights of some of the international documents and initiatives are mentioned below:

1. **The Right to Safety**

   The United Nations Convention on the Rights of the Child (CRC) explicitly recognises the right of every child to a standard of living adequate for their physical, mental, spiritual, moral, and social development. Ensuring road safety is integral to fulfilling this right, as road traffic injuries can have profound and lasting impact on a child's development and well-being.

2. **Sustainable Development Goals (SDGs)**

   The SDGs—particularly Goal 3 (Good Health and Well-being) and Goal 11 (Sustainable Cities and Communities), highlight the importance of reducing road traffic injuries and fatalities. Children and adolescents form a vulnerable group and investing in road safety aligns with the broader global agenda of creating safe and sustainable environments for all.

3. **World Health Organisation (WHO) Guidelines**

   The WHO in collaboration with various stakeholders, provides guidelines and recommendations for road safety. Their Global Status Report on road safety highlights

the disproportionate impact of road traffic injuries on children and emphasises the need for evidence-based interventions, education and awareness campaigns.

4. **Safer Systems Approach**

   The Safe Systems approach promoted by organisations like the International Road Assessment Programme (iRAP), advocate for designing road systems that accommodate human errors. For children and adolescents, this means creating an environment that accounts for their developmental stages such as providing safe pedestrian crossings near schools and residential areas.

5. **Child Pedestrian Safety**

   Children are particularly vulnerable as pedestrians. The Global Plan for the Decade of Action for Road Safety 2011–2020, emphasises measures such as safe infrastructure, educational programme and enforcement of speed limits to protect child pedestrians. A holistic approach involves collaboration between transportation planners educators and law enforcement agencies.

6. **School Travel Safety**

   Recognising that a significant proportion of road traffic injuries, involving children occur during school travel, policies need to focus on ensuring safe routes, implementing traffic calming measures and promoting active transportation. The 'safe routes to school' initiative in various countries exemplifies such targeted interventions.

7. **Public Awareness and Education**

   The FIA Foundation in collaboration with partners, advocates for road safety education as part of the school curriculum, empowering children and adolescents with the knowledge and skills to navigate the road environment safely.

   Hence, prioritising road safety for children and adolescents is deeply rooted in international conventions, SDGs and evidence-based approaches. A multi-sectoral and collaborative effort is envisioned to create an environment where children can exercise their right to safety and contribute to building healthier and more sustainable communities.

Description

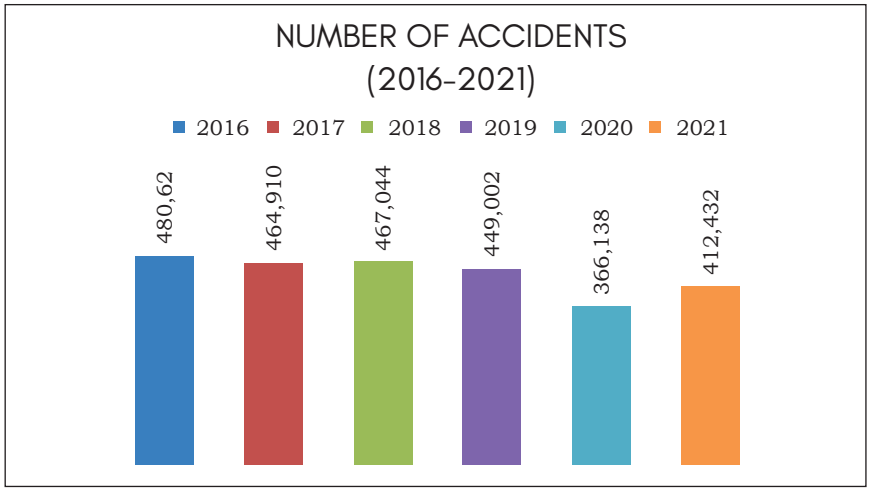
India includes several acts, rules and regulations designed to ensure the safety of road users. Some key legal provisions related to road safety in India includes:

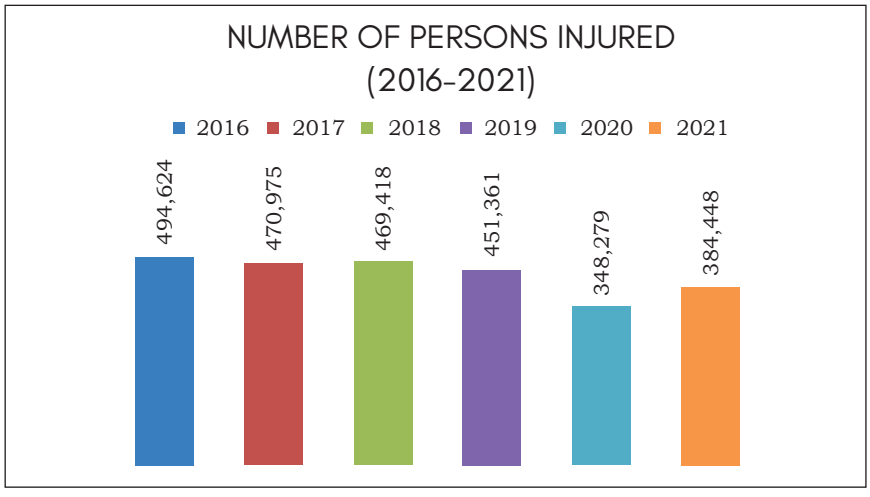
1. **Motor Vehicles Act, 1988:** The Motor Vehicles Act is a comprehensive legislation governing road transport and vehicles in India. It covers various aspects of road safety such as licensing of drivers, registration of vehicles, rules for road usage, penalties for traffic violations, and provisions related to road safety measures. In order to ensure safety on the roads as well as to punish the offenders and voilaters of road safety rules and regulators, various amendments in this act have been brought into force.
2. **Central Motor Vehicles Rules, 1989:** These rules provide detailed regulations under the Motor Vehicles Act, covering various aspects like vehicle standards, licensing procedures, traffic regulations and safety standards for vehicles.
3. **National Highways Act, 1956:** This act focuses on the development and maintenance of national highways in India. It includes provisions related to road safety, control of access to highways and the regulation of traffic on national highways.
4. **The Control of National Highways (Land and Traffic) Act, 2002:** This act addresses issues related to unauthorised access to national highways, including the regulation of land use and traffic control measures.
5. **Various State-specific Road Safety Rules:** States in India may have their own specific rules and regulations related to road safety. These rules often complement the central laws and address regional concerns. In India, states can also make Laws, Rules and regulations regarding the road safety. These are in consonance with the laws laid down by the centre and generally made to enforce the central regulations smoothly.

In the Indian context, the need for road safety measures cannot be overstated. The Ministry of Road Transport and Highways, reports statistics that highlight the urgency of the matter. In India, about 80,000 people are killed in road crashes every year with a significant portion of victims being children and adolescents. This is 13 per cent of the total fatality all over the world (Source: https://morth.nic.in/about-road-safety). These statistics while concerning, also highlight the pressing need to address road safety comprehensively and effectively. Moreover, the present transport system has minimised the distances but it has on the other hand increased the life risk. Every year, road crashes result in loss of precious lives and serious injuries to people. A road traffic injury is defined as a fatal or non-fatal injury incurred as a result of road crash or incident which occurs on a public road and involves at least one moving vehicle. These injuries

may occur to a pedestrian, cyclist or a passenger or driver of a motorised vehicle: scooter, motorcycle, automobile, bus or truck. In most of the cases, crashes occurs either due to carelessness or due to the lack of road safety awareness of the road user. Hence, awareness with respect to road safety is as essential as any other basic skills of survival.

Given below is the graphical representation of the number of accidents and number of people injured in India from 2016 onwards.





Source: States and UTs (Police Departments)

Initiatives Leading the Way

In the face of these challenges, various initiatives have been undertaken to improve the road safety for children and adolescents. From educational campaigns aimed at raising awareness to policy interventions focusing on safer road infrastructure and stricter enforcement of traffic rules, concerted efforts are being made. Such initiatives emphasise

the critical role that children and adolescents play in shaping our road safety landscape. Ministry of Road Transport and Highways has launched various schemes for road safety.

One of the schemes related to road safety is scheme for grant of award to the 'good samaritan' particularly for those who have saved the life of victim of a fatal accident involving motor vehicle by immediately assisting or rushing to the hospital or trauma centre within the golden hour of the accident so that the medical treatment can be provided to the victim. For this scheme, the bank account of the award holder shall be separate. For this purpose, the State or UTs are therefore, requested to open a separate account and thereof send it to the Ministry. The initial grant for this is Rs 5,00,000 which need to be released by the Ministry, after the request of the States or UTs. The information pertaining to the award holder shall be filled on the portal released by the Ministry of Railway Transport and Highways' concerned officials of the State or UTs' Transport Department. This scheme came into effect on 15 October 2021.

Therefore, it is important to empower young minds with the knowledge, skills and awareness necessary to navigate our roads safely. By investing in their road safety education, we not only safeguard their lives but also contribute to a healthier, more prosperous and sustainable future for all. It is important to ensure that every child and adolescent can enjoy the freedom of safe and secure mobility on roads.

Road safety is essential because it helps protect us from accidents and keeps us safe while we are on the move. But here is something important to remember road safety is not just for grown-up drivers, it is for all of us including pedestrians and cyclists.

As, we have seen above that the road safety is fundamental to each and every child. Imagine you are walking to school, riding your bicycle to the park or even just crossing the road to visit a friend. All these activities involve being on the road and that is why, road safety matters to each one of us. This means that understanding and practising road safety is not just important; it is a crucial skill that can impact our daily



28% increase in road deaths among people aged under 18

T-junctions see more crashes than 4-way crossings

Source: Times of India, November, 2023

lives. Think about it for a moment by learning how to stay safe on the road, you are not only protecting yourself but also your friends, family and everyone around you. You have the power to make a positive change and create safer roads for everyone in India.



One For The Road

Too many people are dying on India's roads. Too little attention is paid to factors that are worryingly familiar

The road accident toll is growing by the year. India leads the world in road fatalities. The transport ministry's 2022 report calculates road accidents claimed 190 lives every hour. Crashes claimed around 1.68 lakh lives, a 9.4% increase over 2021's corresponding figure. Injuries have shot up by 15%. Two-wheelers accounted for 45% of fatalities. And 67% of victims were aged between 18 and 45. Accidents spell a leading cause of death for a major portion of India's working demographic.

The Road Accidents in India 2022 report cites, as every year, speeding, wrong-side driving, not wearing seat belts and potholed roads as key causes for fatalities. Reckless driving is frequently on display by two-wheeler riders on all roads. Tyre killers, speed-breakers with a slope on one side and metal spikes on the other, installed to control wrong-side driving in Noida some years ago were declared by a committee would bend down the spikes that would puncture tyres of vehicles on the wrong side of the road (and the law), while the driver hauled the two-wheeler over the speed breaker. But such experiments have helped some in Ahmedabad and Pune.

That said, it is established that road accidents are multi-causal. Road design is key. Countries with far higher speed limits have fewer than a fraction of India's fatalities. Faulty road engineering, poor designing of junctions, inadequate signages, haphazard planning of state highways and city roads/lanes all play a role in causing accidents – these factors are well known. Finally, the gig economy of delivery workers, the largest cadre of two-wheeler for work, is ever-growing. From 68 lakh in 2020, the gig workforce is expected to expand to 2.35 crore by 2029-30. India's rapid adoption of electric two-wheelers, smaller and quieter in combustion, yet they are driven even more recklessly. It may be a good idea to teach traffic rules from the primary school.

Source: Times of India, November, 2023, p.18

Suggested Activity

Students may gather newspaper articles, headlines and images related to road safety with a focus on a variety of aspects including accidents, statistics, safety provisions and any noteworthy events or campaigns. They may also prepare a collage of the same and write an observation note about their findings from the newspaper related to accidents, statistics, safety provisions, etc. This will not only encourage them to actively seek information from real-world sources but also allows them to analyse and reflect on the current state of road safety in their community.

Observational Note Template

Title: Reflections on Road Safety: A Newspaper Collage Analysis

Introduction

Begin with a brief introduction explaining the purpose of the activity and significance of examining the real-world instances of road safety in newspaper clippings.

Accidents

Analyse the collected articles related to accidents. Identify common causes, locations and any patterns that emerge from it. Note if specific safety measures were discussed or if there are recurring themes that contribute to accidents.

Statistics

Delve into the statistical information provided in the clippings. Identify trends such as the frequency of accidents, types of vehicles involved and any demographic information available. Consider how these statistics reflect the road safety landscape in the community.

Safety Provisions

Examine the articles discussing safety provisions and regulations. Note whether there is a focus on enforcement, new

initiatives or improvements in the infrastructure. Evaluate how these provisions align with addressing the identified causes of accidents.

Noteworthy Campaigns or Events

Identify any campaigns, events or community initiatives highlighted in the clippings. Reflect on their objectives, impact and community involvement. Consider whether these efforts contribute to a culture of road safety awareness.

Conclusion

Conclude the observation note by summarising key findings and insights gained from the newspaper collage. Discuss the implications of the observed patterns on road safety and potential areas for improvement.

Understanding the Role of Children and Adolescents in Different Capacities as Road Users

Children and adolescents can be classified into various categories of road users, each with unique characteristics and considerations. Here is the exploration of different categories of road users with a perspective on children and adolescents:

1. **Pedestrians**

   In the context of road safety and transportation, pedestrians are people who are walking along sidewalks, crossing streets or using designated pedestrian paths. They do not rely on motorised vehicles for their movement. Children and adolescents often fall into the pedestrian category.

2. **Cyclists**

   Many children and adolescents use bicycles for commuting or recreational purposes. Safe cycling infrastructure including dedicated lanes and education on road etiquette is essential to protect young cyclists from potential hazards.

3. **Public Transport Users**

   Children often rely on public transport for school or extracurricular activities. Ensuring safe and accessible public transport options, coupled with educational programmes on responsible behaviour, is vital for their well-being.

4. **Motorcyclists and Scooter Riders**

   While adolescents may start using two-wheelers, it is crucial to enforce age-appropriate licensing and helmet regulations. Education on responsible riding and the risks associated with rash driving is essential for this age group.

5. **Car Passengers**

   Children are frequent passengers in cars. Proper use of child safety seats, seat belts and adherence to age-appropriate safety measures are critical for their protection. Adolescents

should also be educated about responsible behaviour as passengers.

6. **Drivers**
   Adolescents transitioning into driving need comprehensive driver education programmes. Emphasising responsible driving habits, understanding the risks associated with distractions and promoting adherence to traffic rules are essential for young drivers.
7. **Emergency Service Vehicles**
   Children and adolescents should be educated on how to respond to emergency service vehicles. Understanding the importance of giving way and maintaining a safe distance helps instil responsible road behaviour.
8. **Special Needs Road Users**
   Children and adolescents with special needs may require additional support. Infrastructure should be designed to accommodate diverse needs and road safety education should be adapted to cater various abilities and cognitive levels.

Understanding Road Signs and Signals

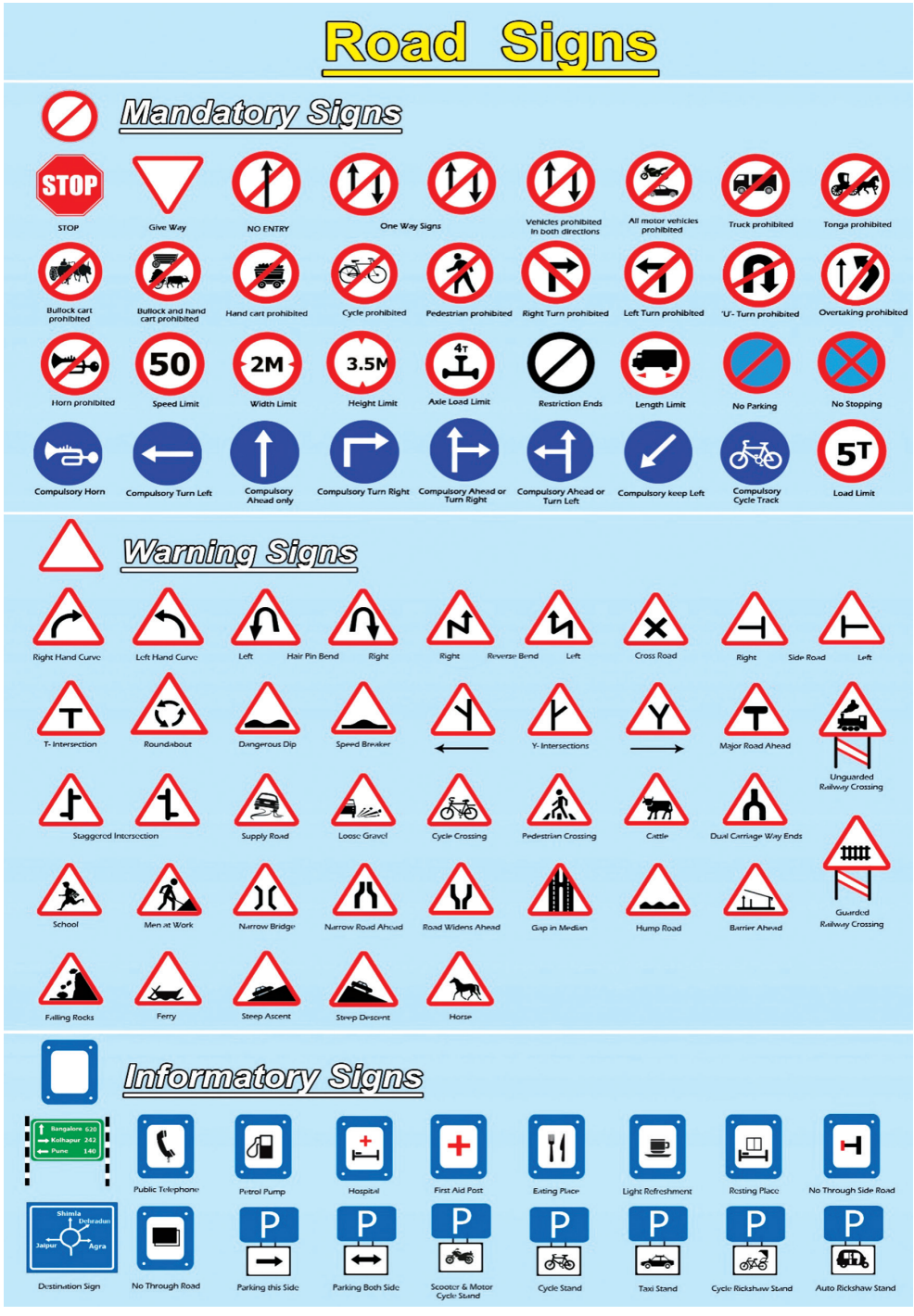
Now, we are going to delve into an essential aspect of road safety, understanding road signs and signals. Through a sound knowledge and understanding of these you will be well-equipped with the knowledge to recognise and interpret common road signs and signals, ensuring your safety as pedestrians, cyclists and future drivers. Road signs and signals are like a language that roads use to communicate with us. They provide important information and instructions to all road users, and help us navigate safely.

Common Road Signs

We are going to learn about some of the most common road signs, you will encounter. These signs come in various shapes and colors, each with a specific meaning. For example, a red octagonal sign with 'STOP' written on it means you must come to a complete stop at that intersection. A triangular sign with an exclamation mark inside alerts you to be cautious and attentive because there may be something ahead that requires your attention.

Pictures and Meanings

To make learning fun and engaging, we are going to show you pictures of various road signs. Let's start with a few examples:



Credits: Yashwant Shrivastava

Suggested Activity

Teachers may show pictures or flashcards of road signs and students need to guess and identify what they mean. The more students practice, the better they will become at recognising road signs.

Importance of Road Signs

Remember, road signs and signals are there to keep us safe. They help prevent accidents, guide us on our journeys and ensure that everyone on the road knows what to do. Whether you are walking, cycling or driving in the future, understanding road signs will be essential for your safety and others.

Therefore, now that we have started our journey into the world of road signs and signals, stay curious and observant on the road, and always pay attention to these important signs. They are your friends, guiding you to a safer and more enjoyable journey.

Safe Pedestrian Practices

Now, we are going to learn about safe pedestrian practices, which are essential for keeping ourselves and others safe while walking near roads and streets. We are going to explore how to be safe pedestrians, to avoid accidents and stay out of harm's way.

Crossing the Road Safely

One of the most important things to remember is to always use designated crosswalks or zebra crossings when crossing the road. These are special areas marked for pedestrians. We should never dart across the road in a hurry or play near busy streets. Instead, be patient and wait for the traffic signal to show the 'red' signal and wait for the vehicles to completely stop before crossing the road.



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Traffic Signals and Crosswalks

Let us talk about traffic signals, those red, yellow, and green lights you see at intersections. They are like traffic choreographers, telling vehicles when to stop and go. When the 'green' signal for pedestrians is on, it is safe to cross the road. But when the 'yellow' signal is lit or the traffic light is 'red', it means you must wait stop and wait.

In India, unfortunately, there are many pedestrian accidents each year. These accidents can result in injuries and the even in loss of life. This is why it's so crucial for us to be careful when walking near the roads. By following safe pedestrian practices, we can help reduce these accidents.

The Lesson at the Crossroads

Billu, a 12-year-old boy had boundless energy. One day, his mother had requested him to fetch groceries for the guests. She asked Billu to get back with the groceries as quickly as possible. With a sense of responsibility and a dash of impatience, Billu set off on his quest. As he ventured towards the market, the traffic was at its peak, the streets were bustling with cars, buses and motorcycles. Billu, in his hurry to get the work done, darted across the road without paying much heed to the traffic rules. He reached the store, quickly gathering all the essential items his mother had listed. In the excitement of reaching home and giving the essentials to his family as guests were expected, he forgot to observe road signals. However, the pivotal moment of his journey occurred when he attempted to re-cross the road, laden with groceries. With heart pounding and an urgency in his step, he failed to notice a motorcyclist racing down the road. The collision was inevitable. He fell down and the groceries were scattered in all directions, Billu and the motorcyclist tumbled down to the pavement. Bruised and bewildered, Billu looked at the motorcyclist, who was equally stunned by the sudden turn of events. The road, now blocked by their accident, led to a massive traffic jam. It was a chaotic scene with irritated drivers honking their horns and the flow of traffic disrupted by the accident. It seemed like a nightmare, and both Billu and the motorcyclist were stranded in the midst of it all. Thankfully, few kind strangers intervened. Passer-bys and fellow pedestrians rushed to help, ensuring that both Billu and the motorcyclist received the necessary medical attention. This incident added an unexpected 40–50 minutes more to Billu's journey homeward, making him ponder the consequences of his impulsive actions. Billu could not help but reflect on the lessons he learned that day. Had he waited a mere 2–3 minutes for the traffic signal to turn red or observed other essential road safety protocols, this entire mishap could have been averted. He realised that road safety is a shared responsibility, impacting both pedestrians and those behind the wheels. In his haste to reach the home, he had disregarded the well-established rules, which not only resulted in his injuries but also caused inconvenience and frustration for countless other road users.

The crossroads was, both a physical and metaphorical turning point in Billu's life, and taught him a valuable lesson about patience and the importance of adhering to road safety rules. From that day onwards, he vowed to be more cautious and responsible on the road, recognising that his actions had a significant impact not just on his own life, but on the lives of others as well.



Fig. 7.2: Not adhering to the road safety rules (Credits: Yashwant Shrivastava)

Some Questions to Ponder and Reflect

- Reflect on the story of Billu and identify moments where negligence in road safety was evident. How do these instances highlight the importance of individual responsibility on the road?
- Ponder on the key lessons about road safety that emerge from Billu's experiences. How can these takeaways inform our own behaviour and attitudes towards road safety?
- Consider the precautionary measures discussed in the context of road safety. Reflect on how incorporating these steps into our daily lives can contribute to a safer and more secure road environment.

Role-playing for Safety

Now, are you ready to step into the world of safe pedestrian practices through our exciting role-playing activities? We will act out different scenarios to practise what we have learned.

Suggested Activity

Students may act out different scenarios to practice safe road behaviour. For instance, we can have one student pretend to be a pedestrian waiting at a crosswalk, while another student acts as the traffic signal telling them when to walk and when to stop. Such scenarios may be enacted in the classroom; related to not using cell phone while crossing the road, etc.

Through this activity, we can learn how to make the right choices when crossing the roads and apply the principle of 'learning by doing'. Remember, being a safe pedestrian is about making smart choices. Always cross at designated crosswalks, follow traffic signals and stay aware of your surroundings. By doing this, you are not only keeping yourself safe but also help in creating safer roads for everyone in your community.

Bicycle Safety

Bicycle safety is another crucial aspect of road safety. Riding bicycles can be a lot of fun, but it is essential to stay safe while doing it.

Importance of Wearing Helmets

Let's talk about helmets! When you are riding a bicycle, wearing a helmet is like putting on a superhero cape—it helps protect your brain, which is one of your most important body parts. Helmets can save lives and prevent serious head injuries in case of accidents, so one should always wear them when cycling.

Proper Hand Signals

Hand signals are like a code we use to communicate with other road users. When you want to turn right, simply stick your right arm straight out to the side. And when you are turning left, stick your left arm straight out. If you want to slow down or stop, hold your left hand down, palm facing backward. This signal tells everyone that you are about to reduce your speed or come to a stop.

Maintaining Bicycles in Good Condition

Just like how we need to keep ourselves healthy, our bicycles need some care too. Regular maintenance is essential to ensure they are safe to ride. We should check our brakes, tires and lights if we have them. If anything is not working correctly, it is crucial to get it fixed before riding.

Hands-on Helmet Fitting

Now, we are going to learn how to fit a helmet properly. A well-fitted helmet is comfortable and provides the best protection. Place the helmet on your head, so it sits flat and level.

- The helmet should cover your forehead and not tilt backward.
- Adjust the straps to make sure they are snug but not too tight.
- Buckle the chinstrap and make sure it's secure.



Source: https://www.saferoads.org.kh/en/the-facts/helmet-use/Steps-to-wearing-a-helmet-correctly-and-its-maintenance.html

Bicycles are a fantastic way to explore your neighbourhood and stay active, but safety should always come first. Wearing helmets, using hand signals and maintaining our bikes in good condition are essential steps to enjoy safe cycling. By following these safety tips, you are not only protecting yourself but also setting an excellent example for others in your community.

Interactive Helmet Wearing and Hand Signals Workshop

Engage students in a dynamic and interactive workshop where they will gain hands-on experience in properly wearing helmets and mastering essential hand signals. Transform the sports ground into a practical learning space, allowing students to bring their helmets and bicycles for a comprehensive and engaging session.

Passenger Safety

Now, we will explore the important topic of passenger safety. Whether you are travelling in a car, bus or any other vehicle, it is crucial to know how to keep yourself safe.

Safe Behaviour as Passengers

First, let's talk about our behaviour when we are passengers in vehicles. Whether it is a car driven by a family member or a school bus, we need to be responsible passengers. That means staying seated and not jumping around, distracting the driver or putting any body parts outside the window. Our actions can affect the driver's concentration.

Seatbelts and Child Safety Seats

Now, let us discuss seatbelts and child safety seats. They are like our protective shields when we are in a moving vehicle. When you are old and big enough, always wear your seatbelt. It keeps you securely in your seat and can save your life in case of an accident. For smaller kids there are child safety seats. They are specially designed to keep a child safe and secure. Make sure you use them correctly, according to your age, weight and height.

Dangers of Overcrowded Vehicles

Travelling together with friends or family can be a lot of fun, but there is an important rule to remember—never overcrowd a vehicle. When there are too many people in a vehicle, it becomes difficult to move and everyone's safety is compromised. It is essential to ensure there is enough room for everyone and that they all have a seat and a seatbelt.

Being safe passengers means we are not only protecting ourselves but also helping to create a safer journey for everyone on the road. Always remember to follow the rules, use seatbelts and safety seats as needed, and avoid overcrowding in vehicles. These simple actions can make a significant difference in ensuring our safety during the travel. As you practice safe passenger behaviour, you are not just looking out for yourselves, but for your fellow passengers as well.

Inclusive Road Safety Tips: Ensuring Accessibility for Persons with Disabilities

Ensuring road safety for persons with disabilities is a crucial aspect of inclusive transportation systems, aligning with various international and national commitments and provisions. Here are the road safety tips for children and adolescents with special needs:

Education and Training

- Comprehensive road safety education that is adapted to the individual needs and abilities of the child may be imparted.
- Practical training sessions to teach essential road-crossing skills and understanding traffic signals should be conducted.
- It should also be ensured that children and adolescents with disabilities are supervised when navigating roads, especially if they have challenges in understanding or responding to the traffic.

Safe Routes

- Children and adolescents with special needs and disabilities should opt for safe routes, avoiding busy intersections and hazardous areas. Schools and local authorities should designate safe drop-off and pick-up zones.

Assistive Devices

- Ensure that children use appropriate assistive devices such as canes, walkers or wheelchairs, and that these devices are in good condition. Further, provide training on how to use and maintain assistive devices safely.

Visibility and Communication

- Enhance visibility by using reflective clothing, accessories or accessories attached to assistive devices, especially during low-light conditions.

- Children and adolescents should be equipped with communication tools such as communication boards or devices, to help convey their needs or alert others to potential dangers.

Practice with Caregivers and Peer Support

- Conduct supervised practice sessions with caregivers to reinforce safe road-crossing techniques and traffic awareness.
- Peer support and awareness should be encouraged among classmates to create a more inclusive environment. Teach students about the unique needs and challenges of their peers with disabilities.
- Develop and practise emergency plans with children, caregivers, teachers and peers including procedures for unexpected situations on the road.

Community Involvement

- Foster community awareness and involvement to create a supportive environment. Neighbours and community members should be encouraged to be mindful of the unique needs of children and adolescents with disabilities.

Accessible Infrastructure and Transportation

- Accessible infrastructural facilities including ramps, tactile pavements and audible signals should be availed to facilitate safe mobility for children with disabilities. If using transportation services, ensure that they are wheelchair-accessible and equipped with safety features. Training on boarding and disembarking safely should also be imparted.

By implementing these tips and road safety practices to the unique needs of children and adolescents with disabilities, we can create a safer and more inclusive road environment for all. Additionally, collaboration among parents, schools, communities and relevant organisations is crucial in ensuring the well-being of children with disabilities on the roads. Achievements and improvements in road safety skills should be celebrated for positive reinforcement among children and adolescents with special needs and disabilities.

General Road Safety Tips

Now, we have reached towards the end of our 'road safety for children and adolescents' module. Here, we will bring together all the valuable road safety knowledge we have gained and share some essential tips for staying safe on the road.

Key Road Safety Rules and Tips

Before we dive into the details, let's quickly review some key road safety rules and tips we have covered throughout this module:

- Always use designated crosswalks when crossing the road.
- Follow traffic signals and signs—red means stop, green means go!
- Wear helmets when cycling or riding a bike.
- Use proper hand signals for turning and stopping while cycling.
- Don't put your hand or any other body part out of the window.
- Take care of your pets while on the road.
- Maintain your bicycles in good working condition.
- Buckle up with seatbelts in cars and use child safety seats when required.
- Avoid overcrowding in vehicles.
- Dogs, cows and other animals also need to be looked at.

Dangers of Distraction

Let's talk about a significant road safety concern—distraction. Distraction can be dangerous for both pedestrians and drivers. For example, using your phone, listening to loud music with headphones, or even daydreaming while walking or cycling can divert your attention from what is happening around you. This can lead to accidents. Similarly, when drivers are distracted by their phones, music or other things inside the car, it can lead to serious accidents.

Be Responsible Road Users

It is crucial for all of us to be responsible road users. This means following road safety rules and looking out for ourselves and others. We can set a great example for our friends, siblings and even adults by always making safe choices on the road. Remember, being responsible means caring for the safety of everyone around us.



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Do's and Don'ts of Road Safety for Children and Adolescents

As road safety is a shared responsibility and we all play a vital role in making our roads safer. By following these do's and don'ts and being responsible road users, we can contribute to safer roads for ourselves, our friends and our communities. Now, let us put all this knowledge into practice and be champions of road safety in our neighbourhood. Remember, every safe choice you make on the road counts!

Do's

- Use designated crosswalks.
- Follow traffic signals and signs.
- Wear helmets and use hand signals when cycling.
- Maintain bicycles in good condition.
- Buckle up with seatbelts.
- Use child safety seats when needed.
- Be responsibile and set a good example.

Don'ts

- Don't jaywalk or cross the road without looking.
- Don't ignore traffic signals and signs.
- Don't forget hand signals when cycling.
- Don't neglect bicycle maintenance.
- Don't ride in overcrowded vehicles.
- Don't be distracted by phones or music
- Don't be irresponsible prioritise safety.

Important Helpline Numbers

Road accident emergency service	1073
Road accident emergency service on national highway for private operators	1033

Road Safety Quiz

Instructions:

- Read each question carefully.
- Select the correct answer.
- Try to score as many points as possible and become a road safety champion!

Question 1: What should you do at a pedestrian crossing when the traffic light shows a red hand signal?

a. Run quickly across the road.
b. Wait patiently at the red or 'STOP' signal.
c. Ignore the signal and cross anyway.

Question 2: Why is it important to wear a helmet when riding a bicycle?

a. To look cool.
b. To protect your head in case of a fall.
c. Because it's a fashion trend.

Question 3: What does this road sign mean?



Source: https://bedrockinfra.com/meanings-of-shapes-and-colours-in-traffic-signs-in-india/

a. Slow down.
b. Continue driving.
c. Come to a complete stop.

Question 4: Why should you avoid using your phone while walking or cycling near roads?

a. It's boring.
b. It's a waste of time.
c. It distracts you and makes you less aware of traffic.

Question 5: What should you do if you're in a car and it's time to go?

a. Put on your seatbelt, follow traffic rules and drive safely.
b. Quickly start driving.
c. Honk the horn loudly to get everyone's attention.

Question 6: Which of the following is a safe way to cross the road?

a. Cross anywhere, even between parked cars.
b. Close your eyes and run across quickly.
c. Cross at a designated crosswalk or zebra crossing.

Question 7: When cycling, what should you do to let others know you're going to turn right?

a. Yell “I’ m turning right!"
b. Use proper hand signals, like sticking your right arm straight out to the side.
c. Just make the turn without signalling.

Question 8: What is the most important thing to remember about being a passenger in a car?

a. Stay seated and follow safety rules.
b. You can do whatever you want.
c. Talk loudly and distract the driver.

Question 9: Why should you never overcrowd a vehicle?

a. It’s more fun when everyone squishes together.
b. It can be dangerous and there may not be enough seatbelts for everyone.
c. There’s no reason; it’s okay to overcrowd.

Question 10: What’s the golden rule of road safety?

a. Be the fastest on the road.
b. Always follow your friends, no matter what they do.
c. Be a responsible road user and keep yourself and others safe.

Scoring

- Each correct answer earns you 1 point.
- Add up your points to see how well you did!

Answer Key

Q1. b	Q2. b	Q3. c	Q4. c	Q5. a
Q6. c	Q7. b	Q8. a	Q9. a	Q10. c

Activity: Road Safety Poster Contest

Objective: To recapitulate and reinforce the importance of road safety through creativity and visual representation.

Materials Needed

1. Drawing paper or poster boards
2. Coloured markers, crayons or coloured pencils

3. Road safety reference materials (books, pamphlets or printed road signs)
4. Safety-themed stickers (optional)

Instructions

1. Introduction (10 minutes)

Begin by having a brief discussion about the road safety. Ask students to recall what they have learned about the road safety. Encourage them to share key road safety rules and tips.

2. Poster Preparation (15 minutes)

- Distribute drawing paper or poster boards to each student.
- Provide reference materials with road signs, symbols and safety tips.
- Explain that the students will create a road safety poster that highlights the most important rules and practices.

3. Poster Creation (30 minutes)

- Let the students use their creativity to design their posters. They can illustrate road signs, safe pedestrian practices, helmet-wearing, seatbelt use or any other road safety concepts.
- Encourage them to use colours, drawings and symbols to make their posters visually appealing.
- Students can also use safety-themed stickers to add a fun touch to their posters.

4. Presentation (15 minutes)

- Have the students present their poster to the class. Ask them to explain the key messages and concepts they have included.
- Encourage their peers to ask questions or provide feedback after each presentation.

5. Discussion and Recap (15 minutes)

Lead a discussion about the activity. Ask questions like:

- What did you learn from this activity?
- Why are road safety posters important?
- How can you use your poster to raise awareness about road safety in your community?

6. Homework Assignment

- Assign a homework task where students can take a photo of their poster and share it with their family explaining the importance of road safety. Encourage them to discuss their poster during family discussions.



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More Suggestive Activities

1. Teachers may use age-appropriate videos and interactive materials to make learning of road safety engaging.
2. Organise a field trip to a local traffic police station or a safe road-crossing area to demonstrate practical road safety lessons.
3. Distribute pamphlets or posters with road safety tips and information.
4. Encourage students to create posters, bookmarks, drawings or short essays on road safety topics as a creative assessment tool. You may also display the posters and road safety do's and don'ts on the bulletin board.

Conclusion: Be Road Safety Champions!

It is hoped you have learned valuable lessons that will help keep you, your friends and your family safe on the roads. Throughout this theme, we have explored the importance of responsible road behaviour. By following road safety rules and making safe choices, you become a crucial part of creating safer roads for everyone. Now that you have gained valuable

road safety knowledge, it is time to share it with your family and friends. Encourage them to adopt safe road behaviours and practices. You can teach your siblings, cousins and friends about crosswalk safety, the significance of wearing helmets and the importance of seatbelts. Remember, you can be a role model in your community. By consistently practising responsible road behaviour, you set an example for others to follow. When you use crosswalks, wear helmets and follow traffic rules you inspire others to do the same. Road safety is not just a personal responsibility, it is a collective effort. Every safe choice you make contributes to reducing road accidents and saving lives. Your actions matter and they can make a significant difference in your community. As you go about your day-to-day activities whether it is walking to school, riding your bicycle or travelling in a car, always keep road safety in mind. Be attentive, be responsible and be a road safety champion. By becoming responsible road users, you are helping create a safer road environment for everyone. Together, we can reduce accidents and ensure that all children, adolescents and families can travel safely.

So, let's keep our roads safe, one responsible choice at a time. Be road safety heroes, share your knowledge and remember that you have the power to make a positive impact on the road and in your community. Stay safe, stay responsible and let's make our roads safer for all!

Message for the Parents

Dear parents and carers, you are aware that children and adolescents of all ages are at risk of being hurt and prone to accidents on roads. Under your guidance and supervision, this vulnerable age group can learn a great deal about the road safety as you play an important role in their socialisation process. Through this module, we have tried to touch upon various aspects of road safety, but without your support it would be an incomplete step in this direction. Therefore, we request you to supervise your child closely on roads and continue to empower them by teaching road safety practices. Children and adolescents are also encouraged to take initiatives to learn more about road safety and assist other vulnerable groups such as the elderly, PwDs, etc., in crossing the roads safely.

References

Government of India. Ministry of Road Transport and Highways. http://morth.nic.in

National Council of Educational Research and Training. 2023. National Curriculum Framework for School Education 2023.

UNICEF. 2022. Technical Guidance for Child and Adolescent Road Safety. Healthy Environments for Healthy Children.

United Nations. The 17 Goals-Sustainable Development Goals. http://sdgs.un.org.

THEME 8

SAFE SCHOOL ENVIRONMENT



SAFE SCHOOL ENVIRONMENT

Learning Outcomes

After going through this theme you will be able to:

- Understand the importance of making the school environment safe and enabling for all.
- Differentiate between emotional and physical safety.
- Identify strategies for diverse group of children.

Introduction

In order to thrive, it is imperative that all students and staff have access to a nurturing and secure educational setting. A safe school environment is characterised by uninterrupted teaching and learning, minimal disruptions, and the absence of violence, drugs, bullying and fear. Discrimination against students should be non-existent and behavioural expectations should be communicated clearly.

Fostering safe and supportive environments focuses on cultivating school atmosphere that enhances students' engagement in their academic lives and strengthens their connections with significant adults, both in school and at home. Establishing these connections serve as a crucial protective measure, diminishing students' vulnerability to physical and emotional susceptibilities.

These behaviours and experiences are closely linked to physical and mental health risks and poor academic performance.

School environments that prioritise safety and support effectively link all children with a supportive network of peers and adults including parents, primary caregivers and teachers.

In 'Avinash Mehrotra vs. Union of India Ors', following a fire in a school which caused the deaths of many students, the Supreme Court of India held that the right to education also includes the right to receive education in a safe school. The Supreme Court also stated that each Indian State is responsible for the safety of all schools within their jurisdiction [(2009) 5 SCR 913].

Rationale

Ensuring the safety of schools is paramount as it enables children to anticipate a positive environment that encourages social interactions and creative learning. When their fundamental safety requirements are not met, children face the risk of feeling uneasy at school, leading to absenteeism

or persistent anxiety. By prioritising school safety, we create a welcoming space where children can freely explore, learn and flourish.

Court's Observations

- The Supreme Court emphasised the importance of safety in schools, linking it to the constitutional right to life (Article 21).
- The Court stated that the safety of children in schools, is essential, and negligence in this regard would violate fundamental rights.
- It also observed that adherence to safety measures must be non-negotiable in both government and private schools.

Judgement

- The Supreme Court directed the Central and State Governments to ensure that all schools in India, whether government or private, must comply with the safety norms laid down in the National Building Code.
- It mandated regular inspections and certifications of schools to verify compliance with fire safety norms.
- It directed the immediate installation of fire safety equipment, including alarms, extinguishers, and safe exits, and ensured that school buildings are constructed in a manner that would prevent such tragedies.

Description

Creating safe and supportive learning environments is fundamental to promoting the health and well-being of children. These environments play a pivotal role in enhancing a child's overall health through various means:

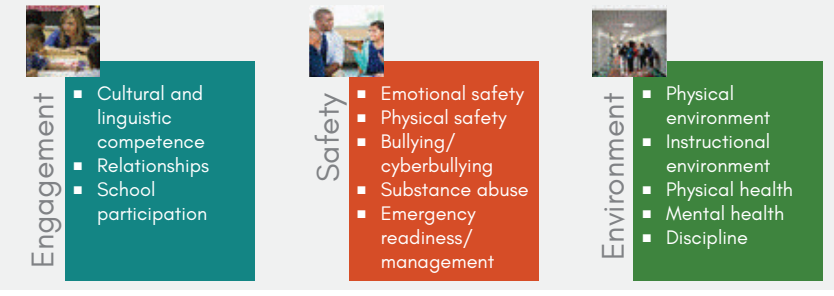


Fig. 8.1: Strengthening safe school environment

Engagement

Fostering meaningful connections among students, teachers, families and the broader school community is a vital aspect of engaging with student in particular and the community at large. This requires nurturing inclusive and culturally

sensitive relationships that honor, celebrate and embrace diverse cultural identities and family traditions.

Safety

Ensuring that schools and related activities are secure is of paramount importance to the students, parents, school authorities, and all stakeholders. A safe environment will guarantee an ecology where children are free to learn and grow, and is free from violence, bullying, harassment and substance misuse.



Fig. 8.2: Social and emotional learning

1. **Emotional Safety:** Emotional safety in schools refers to how safe a student feels in expressing his or her emotions in school. Students should feel secure and confident as they express themselves and take on challenges that encourage them to try something new. Emotionally safe learning environments can be achieved by making Social and Emotional Learning (SEL) an essential part of education. SEL is the process through which children and adults acquire the knowledge, attitudes and skills they need to recognise and manage their emotions, feel and show empathy toward others, establish positive relationships and make responsible decisions.
2. **Physical Safety:** Physical safety refers to the protection of all stakeholders including families, caregivers, students, school staff, and the community, from violence, theft and exposure to weapons and threats, to establish a secure learning environment.

The measures to enhance physical safety include:

- Raising awareness about bullying and digital harassment, incorporating substance abuse prevention education, and ensuring preparedness through safety drills and plans.
- Closed circuit security cameras and visitor management systems also help keep the students and staff safe.
- Planned monthly safety audits should be conducted by the school safety committee in collaboration with parents; it should be reviewed and necessary remediation should be done.
- All entry and exit points to the schools should be physically and virtually manned.
- Fire drills and security drills should be practiced regularly, and the staff and students should be onboard with the security and evacuation plan of the school.

- Keeping the grounds clear to maintain a clear line of sight.
- Corporal punishment must be unequivocally banned. In accordance with the RTE Act of 2009, corporal punishment encompasses physical harm, mental harassment and discrimination (Guidelines for Eliminating Corporal Punishment in School, NCPCR).

Environment

It encompasses the physical, social and educational settings within a school. It pertains to the array of resources and amenities offered such as classrooms, infrastructure, health and hygiene provisions, teacher-student interactions, and moral and social values. It embodies safe atmosphere within which a child engages in his or her studies.

Physical Environment

Maintaining clean, well-lit buildings with comfortable temperatures is essential. Providing access to clean water and ample play space while preventing overcrowding ensures a conducive physical environment for learning.

The State Government of India's Accessible India Campaign (Sugamya Bharat Abhiyan) launched in 2015 states that the schools should strive to achieve universal accessibility for persons with disabilities.



Source: https://timesofindia.indiatimes.com/city/hyderabad/mdst-schools-violate-safety-rules-officials/articleshow/69795667.cms

Activity

Look at the following safety parameters in a school and research on the questions:

1. School Building

- Is the school building as per the norms under National Building Code of India, 2005?
- Does the school maintain the standards and norms of the school as specified in Section 19 of the RTE Act?
- Has the building been certified as per the norms as safe for housing the students by the local authorities?
- Are the school building and premises free from inflammable and toxic materials?
- Are there ramps to the entry of the school, classrooms, toilets, playground, library, canteen, and auditorium for children with disabilities?
- Whether alarm system or centralised public announcement system are installed in the school?
- Is the CCTV monitoring system monitored regularly?
- Does the school have separate toilets for girls and boys as prescribed?
- Are there separate toilets for children with disabilities?

2. Fire Safety Management

- Is the fire safety certificate of the school updated and renewed periodically?
- Does the school have adequate fire fighting systems in place to meet any emergency?
- Is the school in touch with local fire fighting agencies for mock drill training to a crisis management group?
- Are emergency steps in place in the school for fire safety management?

3. Earthquake Management

- Is the school located in an earthquake risk zone?
- How safe is the school building to face a natural disaster?
- Are there any emergency steps in place for disaster preparedness at schools?

4. Flood/Cyclone/Landslide Management

- Is the school situated near seashore or a river? If so, are adequate measures taken to avoid easy access by children?
- Is the school situated on hilltops or where there is a possibility of landslide?
- Is the school located near an industry or a chemical factory producing fatal chemical products?

5. Electrical Safety

- How safe are the electrical systems in the school? Are they being checked periodically?
- Are there any uncovered live wires?
- Are there warning signs displayed near the electric poles?

6. Safety in the Playground and Sports Activities

- Is the school following guidelines, and norms and standards laid down by Sports Authority of India (SAI)?
- Has the school obtained NOC from the competent authority before starting sports facilities?
- Are sports specific safety equipment like helmet, lifeguard jackets, safety guards, etc., made available for the players?
- Is the school playground safe for the students to play games?

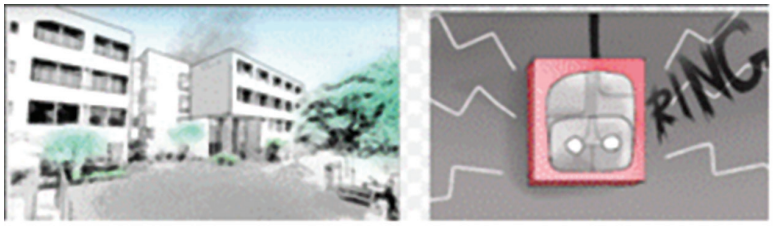
7. Laboratory Safety

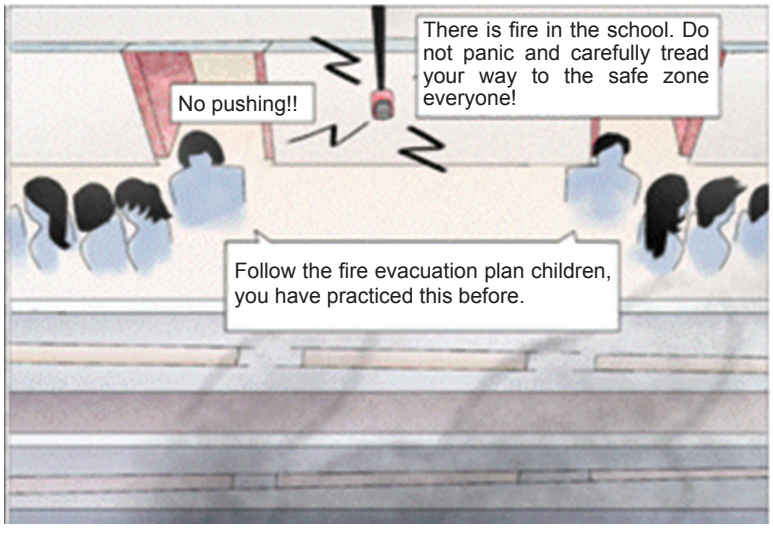
- Are the laboratories in the school positioned as per rules?
- Is there space for free mobility for students in case of an emergency?
- Are the chemicals and instruments kept safely beyond the access of others?
- Is there a first aid box available in the laboratory?
- Is there proper ventilation and exhaust facility in the laboratory?

8. Transport Management and Safety

- Has the school complied with the rules and regulations stipulated by the local transport authorities, and guidelines by Ministry of Road Transport and Highways?
- Have the teachers been delegated responsibilities for transport management?
- Are the school bus drivers trained and have a regular licence?
- Have police verification of bus staff, mainly drivers been done before appointing them?
- Does the school ensure whether the students are cautioned to keep a safe distance before boarding the bus?
- Have the children been exposed to traffic rules?
- Are there fire extinguishers in the school bus?
- Is there a first aid box in the school bus?
- Does a teacher or attendant escort the children till their stop after de-boarding the bus?
- Whether school buses are equipped with the CCT cameras?
- Whether a teacher or attendent are the first ones to board the bus and the last ones to deboard?

Look at the images given here and discuss the following questions:





Credits: Arenti Longchar, Grade XII

1. What measures are taken by your school to make it fire safe?
2. Do you practice a fire drill at regular intervals?
3. Are you aware of your school's evacuation plan?

Case I

Raji is a student of Grade IX, who was actively involved in various extracurricular activities. She uses a private van to reach school. She is the last student to be dropped off at her stop. Suddenly over the last two weeks, she has become very withdrawn and, has not been willing to go for sports or any other activities.

The teachers observed the sudden change in behaviour and reported the issue to the class teacher. The class teacher discussed the same with the school counsellor and also called for a meeting with her parents to understand if they also felt the same.

During the conversation that Raji had with her counsellor, she revealed that the van driver often passed lewd remarks, and also commented on her looks and at times touches her inappropriately. Raji was very uncomfortable with this but could not gather the courage to talk to her parents or teachers in school.

Points for Discussion

1. What is the role of the school in ensuring safety of students using private transport?
2. How can we equip and educate our students in handling such situations?
3. What should ideally be the approach of the school counsellor in such cases?

Instructional Environment

It includes creating creative and engaging classroom spaces, and integrating interactive instruction methods to enhance the learning experience for children. A positive instructional environment is marked by excellent teaching, supportive peers and staff members who encourage achievement-oriented conduct, and act as positive examples and institutional support systems for students.

Think, Reflect, Act



Credits: Arenti Longchar, Grade XII

Look at the image above and discuss the situation:

1. What action would you suggest in the given context?
2. What kind of a classroom interaction is this?
3. What would you as a student, suggest to make your classroom more interactive and to promote a positive instructional environment?

Emotional and Personal Safety

School safety encompasses environments and activities within educational institutions where students are shielded from violence, bullying, harassment and the negative impact of substance abuse.

The concept of school safety is intricately tied to positive students and school outcomes. Specifically, the emotional and physical safety experienced within school settings which directly influences the academic performance.

Safety of Children Against Sexual Abuse

The school should create a safe learning environment, and take adequate safeguards against child sexual abuse. Identify pupils who are suffering or at the risk of harm and take suitable action. The school also needs to train staff in child protection.

How should schools protect children from abuse? To help protect the child, the school should have:

- Staff who are trained to identify signs of abuse including what to do if they or someone else is worried about a child.
- A designated teacher responsible for dealing with child protection.
- Procedures for checking, staff before they work with children.
- A child protection policy which includes procedures to be followed if a teacher or other member of staff is accused of harming a child.
- A POCSO committee
- A strict reporting procedure in case of child sexual abuse.
- Are children regularly oriented towards good touch and bad touch?
- Are children made aware regarding the preventive steps that needs to be taken with respect to child sexual abuse?
- Does the school conduct awareness programmes to sensitise students on harms of substance abuse, mutual and peer respect, gender sensitivity, social responsibility, and the consequences of behaviour or action, including penalisation under law such as JJ Act, 2015 and POCSO Act, 2012?

Ensuring the safety of children from sexual abuse in schools is a critical concern, and requires a multi-faceted approach that includes preventive measures, awareness programs, legal safeguards, and swift response mechanisms. Schools, being places where children spend a significant amount of their time, must ensure a safe environment that fosters trust and protection. Below are some key measures and practices that schools can adopt:

Implementation of the POCSO Act (2012)

- The Protection of Children from Sexual Offences (POCSO) Act 2012, is a comprehensive law in India aimed at safeguarding children from sexual abuse, exploitation and harassment.
- Schools must create awareness among students, staff and parents about the provisions of the POCSO Act,

- Every school should have a designated Child Protection Officer to whom children can report any concerns, and this officer should be trained in handling such sensitive matters.

Strict Background Checks for Staff

- Vetting and background checks of all school staff, including teachers, non-teaching staff, support personnel (drivers, cleaners, etc.) and contractors, should be mandatory.
- Police verification and prior employment history should be thoroughly reviewed to ensure that individuals with a history of misconduct are not employed.

Child Protection Policy

- Schools should adopt a Child Protection Policy that outlines the procedures for preventing and responding to child abuse, and all staff should be trained in this policy.
- It should include:
  - Clear definitions of unacceptable behaviour.
  - Guidelines for interaction between adults and children (for example, avoiding situations where a child is left alone with an adult).
  - Regular workshops and discussions on child safety.

Sexual Abuse Prevention Programs and Training

- Schools should conduct age-appropriate awareness sessions for students about what constitutes abuse, how to recognise inappropriate behaviour, and how to report it.
- Training sessions for teachers and staff on recognising signs of sexual abuse, understanding children's behaviour, and responding sensitively to disclosures.
- Programs such as 'Good Touch, Bad Touch' can help educate young children about their personal boundaries and safety.

Awareness Among Parents

- Schools should conduct regular parental awareness workshops to educate parents about child sexual abuse, the need for open communication with their children, and how to recognise signs of abuse.
- Encourage parents to be vigilant and aware of any behavioural changes in their children that may indicate abuse.

Safe Infrastructure and Security

- Ensure that schools have a safe infrastructure, including well- monitored spaces, such as classrooms, washrooms, and playgrounds. Installing CCTV

cameras in strategic locations (excluding sensitive areas like washrooms) can help monitor activities and act as a deterrent.
- Ensure that all school buses and transportation services follow strict safety protocols, including the presence of female attendants during rides.

Counselling Services

- Schools should have access to professional counsellors trained in child psychology and trauma counselling.
- These counsellors should be available to students who may need support or who have faced any form of abuse or exploitation.

Complaint Redressal Mechanism

- Every school should have a well-defined grievance redressal system that is confidential, child-friendly, and ensures immediate action on complaints of sexual abuse.
- Schools must establish Internal Complaint Committees (ICC) as mandated under the POCSO Act to investigate and handle complaints effectively.

Zero Tolerance Policy

- A zero tolerance policy toward any form of sexual abuse or harassment must be strictly enforced.
- Immediate suspension or termination of staff involved in any form of misconduct should be clearly outlined in school policies, with swift legal action where necessary.

Legal Aid and Reporting

- Schools must inform students and parents of the legal avenues available to them in case of abuse.
- It is mandatory for schools to report any case of child sexual abuse to the police, as per Section 19 of the POCSO Act. Failure to do so is a punishable offense.

Digital Safety

- With the increased use of technology, schools should educate children on cyber safety and the risks of online abuse, including grooming and inappropriate communication on social media or messaging platforms.
- Schools should implement internet safety policies that include monitoring the use of computers and digital devices within school premises.

Collaboration with NGOs and Child Welfare Committees (CWCs)

- Schools can collaborate with child rights organisations and NGOs for conducting workshops, training, and awareness programs.

- Regular interactions with Child Welfare Committees (CWCs) can help ensure adherence to child protection norms and guide schools on best practices for preventing abuse.

By adopting these measures, schools can create a safer environment for children and contribute significantly to their physical, emotional and psychological well-being. Prevention, early detection and timely action are key in mitigating the risk of sexual abuse in educational settings.

Think, Reflect, Discuss



Credits: Arenti Longchar, Grade XII

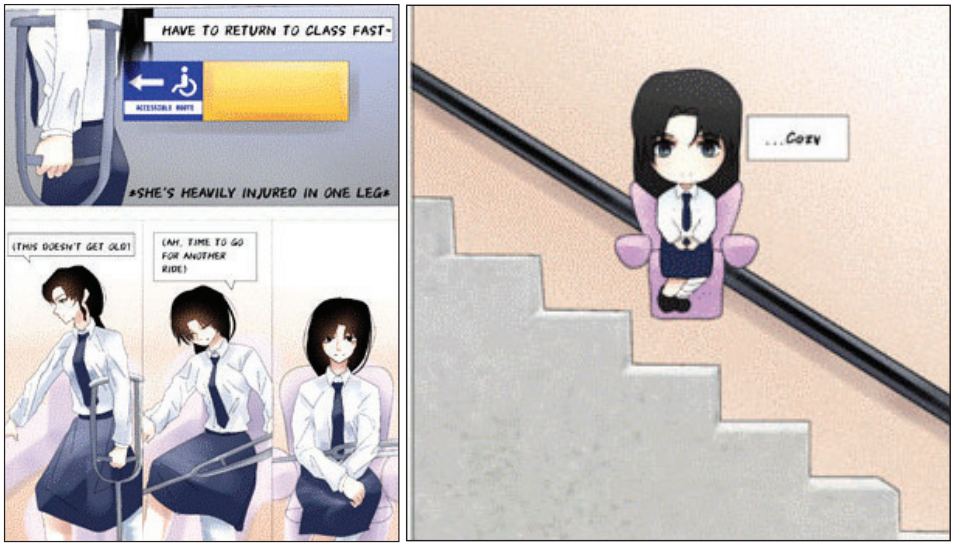
Discuss the steps that teachers and counsellors can take to make the school an emotional safe space for children?

Safety of Children with Disabilities and Barrier Free Access for Children with Disabilities

Ministry of Human Resource Development (MHRD) circular to the States or Sarva Shiksha Abhiyan (SSA) framework for implementation of the RTE Act specifically highlights the importance of making the school environment safe for children with disabilities and special needs.

1. Are the school premises disabled friendly?
2. Are there any designated official in the school who is entrusted with the exclusive responsibility of their needs in any emergency?
3. Whether students who are differently abled are accompanied by a teacher or attendant when using toilets?
4. Are the teachers and students educated, and sensitive to fellow students who are differently abled?

Think, Reflect, Act



Credits: Arenti Longchar, Grade XII

1. Does your school have any provision which makes it easily accessible for people with disabilities?
2. Identify those measures that schools can implement to make themselves more accessible.

Health

1. Does the school maintain student health records?
2. Does the school have a medical room with trained staff and adequate equipments?
3. Does the school have tie ups with nearest hospitals?

Social and Emotional Safety

Enhancing the emotional and psychological well-being of individuals fosters robust development, functioning and empowers them to lead productive lives while pursuing their fullest potential. Within the school setting, a pivotal focus lies in nurturing the mental health of every student. This involves implementing tailored programmes and services to effectively address their mental health needs.

Bullying

What is Bullying?

Bullying has been defined as the activity of repeated, aggressive behaviour intended to hurt another individual physically, mentally or emotionally. It is characterised by the following three minimum criteria: (i) hostile intent (ii) imbalance of power (real or perceived) (iii) repetition over a period of time. Both children—who is bullied and the one who bullies—may have serious and lasting problems.



Fig. 8.3: Types of bullying

Verbal bullying

Includes name calling, teasing, taunting, threatening to cause harm, making fun of a person, etc.

Social bullying

Leaving someone out of a group intentionally, telling other children not to be friends with someone, in particular, spreading rumours about someone, embarrassing or humiliating them in public, etc.

Physical bullying

Hitting, pinching, giving trouble by pushing, throwing others belongings, etc.

Cyber bullying

Cyber bullying is the use of technology to harass, threaten, ridicule, embarrass or target another person. This includes e-mail, instant messaging, social networking sites (such as Facebook), text messages, and cell phones.

Schools have to take steps to raise awareness about bullying including sensitisation programmes, regular counselling sessions and parent inclusion.

- The message that "bullying is strictly prohibited inside the school premises and no such act will go unnoticed or unpunished" may be clearly stated in the school prospectus and other guidelines circulated by the school.

- Conduct workshops and awareness programmes about bullying for students, teachers, and parents.
- Teach students empathy, tolerance and conflict resolution skills.
- Integrate anti-bullying education into the school curriculum.

An 'anti-bullying committee' be constituted in school, comprising of vice principal, a senior teacher, school doctor, counsellor, PTA representative, school management representative, legal representative, peer educators, etc., whose roles and responsibilities would include:

- Development and review of school bullying prevention plan.
- Development and implementation of bullying prevention programmes.
- Developing training programmes for staff, students, and parents.
- Creating awareness through various programmes.
- Being vigilant and observing signs of bullying and responding quickly and sensitively.
- Names and contact numbers of the committee members of school should be clearly displayed everywhere in the school premises, etc.

Foster a Positive School Environment

Encourage a positive and inclusive school culture where differences are celebrated. Promote respect, kindness and acceptance among students.

Group Activity

Encourage students to implement school-wide initiatives that promote positive behaviour and discourage bullying by undertaking the following activities. They can make posters, presentations, drawings, etc., to help spread awareness.

1. **Relaxing or Reducing Stress:** Yoga, meditation, art, music, gardening, dance, etc.
2. **Providing Channels for Expression:** Set up and share information throughout the school on complaint boxes, help boxes or suggestion boxes to express concerns and seek help.
3. **Compiling Resources to Seek Support**: Collect and spread awareness about all helpline numbers, phone numbers and email-IDs of counsellors and School Wellness Team (SWT) members. Make brochures and pamphlets on causes, risk factors, protective factors, warning signs, etc.
4. **Integrating Mental Well-being in School Functioning:** Including aspects of mental well-being in daily interactions, open discussions, assembly time, different programmes, subject-teaching, etc.

5. **Creating a Safe Environment in School and Beyond:** Locking empty classrooms, lighting up dark corridors, cleaning gardens and areas with excess growth of grass.
6. **Places beyond school:** Spread awareness about vigilance at railway tracks, river banks, bridges, cliffs, medical shops, etc.
7. **Building Awareness about Mental Well-being Among All Stakeholders for:**
   - Understanding protective factors and limiting risk factors for mental health.
   - De-stigmatising mental health concerns (such as anxiety, depression, suicide, substance abuse) and encouraging talking or sharing through role plays, storytelling, *nukkad natak*, rallies, posters, exhibitions, annual day themes, etc.

Case II

Ravi is a 15-year-old reports to the school counsellor that he feels depressed and is experiencing a significant amount of stress about school. He suddenly refuses to come to school as he is being bullied by peers in school on the playground. He did not approach the teachers out of fear of being troubled again by the peers. He spends most of his day in his room playing video games and has a hard time identifying what, if anything, is enjoyable in a typical day. He rarely attends class and has avoided reaching out to his teachers to try to salvage his grades this term. Ravi has always been a self-described shy person and has had a very small and cohesive group of friends, from Primary school through High school.

Points for Discussion

- What are the points to keep in mind while formulating an anti-bullying policy for a school?
- How will the anti-bullying committee create awareness and sensitisation?
- What kind of counselling measures should be adopted by the school?



EDUCATIONTODAY NEWS

Date- 09/09/2022 www.educationtoday.co

Anti-ragging NGO launches open mic competition for college students in India

Online registration for Class 11 non-plan admissions in Delhi govt schools begins

Source: https://educationtoday.com/blogs/?p=21527

Cyber Safety

Cyber safety refers to the careful and responsible utilisation of information and communication technologies, encompassing the internet, social media platforms, online games, smartphones, tablets, and various interconnected devices. Everyone is a stakeholder in making the school a cyber-safe space including young people, parents, families, teachers, school leaders, Government and tech companies for we all play a role in creating a safer online world.

Creating a culture of cyber safety in schools involves a combination of education, policies and technology implementation. Here's a comprehensive approach to establish cyber safety in schools.

Cyber Safety Policies

- **Develop clear policies:** Create and enforce clear and concise policies regarding internet usage, social media access and online behaviour within the school premises.
- **Consequences:** Clearly outline the consequences of violating cyber safety policies.

Technical Measures

- **Internet filters and firewalls:** Implement internet filters and firewalls to block access to harmful or inappropriate websites.
- **Secure WiFi:** Secure the school's WiFi network with strong passwords and encryption to prevent unauthorised access.
- **Regular updates:** Ensure that all software and security systems are up-to-date to protect against the latest cyber threats.

Cyber Safety Awareness Campaigns

- **Poster campaigns:** Display informative posters around the school highlighting cyber safety tips and guidelines.
- Teacher Training
- **Professional development:** Provide training sessions for teachers to keep them updated on the latest cyber threats and safety measures.
- **Classroom discussions:** Encourage open discussions about cyber safety issues in classrooms to address students' concerns and questions.

Parental Involvement

- **Parent workshops:** Conduct workshops specifically for parents, to educate them about online safety,

parental control tools and how to guide their children's online activities.

- **Assemblies and events:** Organise school assemblies and events dedicated to cyber safety to reinforce the importance of responsible online behaviour.

Counselling and Support

- **Counselling services:** Provide counselling services for students who have experienced cyberbullying or online harassment. Create a safe environment for them to discuss their concerns.
- **Anonymous reporting:** Implement anonymous reporting systems where students can report any suspicious online activities or incidents without the fear of retaliation.

Collaboration with Law Enforcement

- **Partnership:** Collaborate with local law enforcement agencies to educate students about the internet safety and the legal consequences of cybercrimes.
- **Guest sessions:** Organise guest sessions with law enforcement officers to share real-life examples and case studies related to cyber safety.

Continuous Evaluation

- **Regular assessments:** Regularly assess the effectiveness of cyber safety programmes through surveys and feedback from students, teachers and parents. Use this feedback to make necessary improvements.

By combining education, policy enforcement, parental involvement and technical measures, schools can create a safer online environment for students, teachers and staff.

Substance Abuse

The prevalence of substance use in school-going students has been found to be 18 per cent, in a meta-analysis. Preventing substance abuse in schools requires a comprehensive approach involving education, support systems and community involvement. Here are some strategies that schools can implement to prevent substance abuse:

Implement Comprehensive Substance Abuse Prevention Programmes

These programmes should focus on building life skills, decision-making abilities and resistance to peer pressure.

Raise Awareness

Conduct regular awareness campaigns highlighting the dangers of substance abuse. Use assemblies, posters and classroom discussions to educate students about the consequences of drug and alcohol abuse.

Life Skills Education

Integrate life skills education into the curriculum. Teach students about effective communication, stress management, problem-solving, and coping skills.

Peer Mentoring and Counselling

Implement peer mentoring programmes where older students mentor the younger ones. Provide counselling services for students struggling with substance abuse or those affected by it. Offer a safe space for them to talk about their problems and seek guidance.

Involve Parents and Guardians

Educate parents about the signs of substance abuse and involve them in prevention efforts. Conduct workshops and seminars to help parents understand their crucial role in preventing substance abuse at home. Encourage parental involvement in school activities and create a supportive community network.

Myths and Misconceptions

- **Myth:** You can stop using drugs anytime.

  Facts: Overcoming withdrawal symptoms, the persistent belief that drugs are necessary, and being in the presence of others who use substances can create challenges when attempting to quit drug use. However, there are individuals and support programmes available to assist you in this process.
- **Myth:** You have to use drugs for a long time before they can really hurt you.

  Facts: Drugs can disrupt the brain's signals which can cause the heart to stop. severe respiratory distress or cause a person to go into coma on the first use.
- **Myth:** Teenagers are too young to get addicted.

  Facts: Addiction can happen at any age, including in unborn child due to drug use by the mother.
- **Myth:** As soon as a person feels normal, the entire drug is out of the body.

  Facts: Drugs remain in the system long after the effects of the drugs have worn off.

Discuss which of these myths did you think to be true? Have the above stated facts changed your perception about substance abuse?

Activity 1

Cross Word Puzzle

1. A healthy _____ _____ promotes non-judgemental and effective two way communication between the teacher and the students.

			T						N			E					O		M			

2. Schools should create and enforce clear and concise _____ _____ policies regarding internet usage, social media access, and online behaviour within the school premises.

C				R				E		Y

3. _____ _____ refers to the protection of all stakeholders including families, caregivers, students, school staff and the community from violence, theft and exposure to weapons and threats, to establish a secure learning environment.

P			S			A		S				T	

Activity 2



Fig. 8.4: News on ragging
Source: https://images.app.foo.gl/hozyVx4GxbsktDeEA

6-year-old boy sexually assaulted, ragged at Pune school by older students, probe on

Cops confirm three more students have come forward, book pricipal for no action.

The Pune city police launched an extensive probe into an alleged case of sexual harassment and ragging of multiple students, aged between six and eight, at a prominet school in Pune by a group of students from Grades X and XI of the same school after around 200 people, including parents of the affected children, congregated at the school and staged a protest on Monday.

Police have booked the principal of the school for allegedly failing to take action on the complaints received in this regard.

The police began a probe after a mother of a six-year-old boy, who is a student of Grade I at the school, registered a complaint on Monday.

A senior official from the Pune police said that as per the FIR, the six-year-old boy was touched inappropriately and mentally harassed by a group of four to five students from Grades X and XI also threatened to harm him if he told anyone about it. The complaint stated that the boy was being harassed, since October 3. Police said one of the suspects has been identified and others are in the process of being identifed. The suspects are aged between 15 and 16 years. (*Source: https://indianexpress.com/article/cities/pune/6-yr-old-boy-sexually-assaulted-ragged-by-schoolmates-probe-on-8975637/*)

1. Read the news articles above and organise a public speaking competition on 'The evils of ragging' to highlight the emotional, psychological and physical cost of ragging.
2. Suggest ways which you think will effectively eradicate bullying in schools.

Activity 3

(Source: *https://www.youtube.com/watch?v=AWHGdWOI4kw*)

1. Watch the video and make a chart illustrating an effective fire drill.
2. Organise a poster-making competition on various aspects of school safety:
   - Fire safety
   - Laboratory safety
   - Transport safety
   - Thriving instructional environment.

Message for the Parents

The safety of children is of paramount importance to us. As stakeholders, we all need to foster safe and supportive environment. As vital members of a school system, we need to create safe spaces for our children to thrive. Here are a few key points to keep in mind in order to create safer spaces for children:

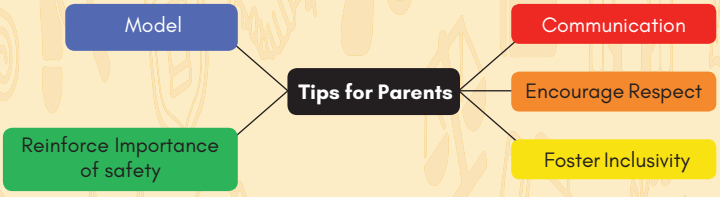


Fig. 8.5: Message for the parents

- **Communication:** Stay engaged and keep communication channels open with the child as well as the school. Your involvement and willingness to collaborate with the school can greatly contribute to a cohesive and supportive school community.
- **Encourage respect:** Emphasise the value of respect for peers, teachers and staff members. Instilling the importance of kindness and understanding can create a culture of inclusivity and acceptance within school.
- **Promote safety:** Educate your children about the significance of safety measures within the school premises. Reinforce the importance of following school rules, reporting any concerns and practising responsible behaviour both in and outside of the school.
- **Foster inclusivity:** Encourage your children to embrace diversity and inclusivity. By celebrating differences and promoting a culture of acceptance, we can create an environment where every student feels valued and respected.
- **Role modelling:** Serve as a positive role model for your child. Demonstrate empathy, integrity and a commitment to ethical behaviour. By showcasing these values at home, you empower your child to embody them within the school community.

By working together, we can foster a school environment where our children feel safe, supported and motivated to learn and grow. Your active participation and collaboration are essential in creating a positive and nurturing educational experience for all.

References

Government of India. Manual on Safety and Security of Children in Schools. National Commission for Protection of Child Rights.

Pal, R. and D. Tsering. 2009. Tobacco Use in Indian High-school Students. *International Journal of Green Pharmacy.* 3. 319–23.

The Indian Express. 6-year-old Boy Sexually Assaulted, Ragged at Pune School by Older Students, Probe on. https://indianexpress.com/article/cities/pune/6-yr-old-boy-sexually-assaulted-ragged-by-schoolmates-probe-on-8975637/

Weblinks

https://vikaspedia.in/education/childrens-corner/school-safety
https://safesupportivelearning.ed.gov/topics
https://safesupportivelearning.ed.gov/topic-research/safety/emotional-safety#:~:text=Emotional%20safety%20in%20schools%20refers,them%20to%20try%20something%20new.
https://safesupportivelearning.ed.gov/topic-research/safety/physical-safety)
https://schooledn.py.gov.in/download/forms/Manual_School_Safety_Security.pdf
https://cbseacademic.nic.in/web_material/Circulars/2015/17_Prevention%20of%20Bullying%20&%20Ragging%20in%20Schools.pdf)
https://www.edudel.nic.in//welcome_folder/after12th/bullying_dt_05042017.pdf

THEME 9

CONSERVATION OF ENVIRONMENT WITH THE HELP OF LAWS AND ETHICAL PRACTICES



CONSERVATION OF ENVIRONMENT WITH THE HELP OF LAWS AND ETHICAL PRACTICES

Learning Outcomes

After going through this theme you will be able to:

- Promote awareness about the dynamic subject of environmental law and conservation.
- Discuss about the real and hard pressings issues of pollution, climate change in the light of their constitutional rights and duties.
- Develop a qualitative indicator to gauge the interest and awareness towards their natural surroundings and sensitise them regarding environmental issues, carbon footprint and climate change.

Introduction

People throughout the world are subjected to infringement of their rights to health, food, water and other basic resources because of environmental degradation and climate change. Children should be given the knowledge and tools necessary to comprehend the environmental issues and effectively deal with them through educational programmes. To find rapid and efficient answers, we should also collect data on environmental dangers to children and make it freely available to the public.

We must devise strategies for redirecting the human conduct from environmentally detrimental behaviours toward environmentally benign ones to effectively tackle the issue. By promoting a basic understanding of the environmental laws and international conventions, we can work towards establishing a healthy and ecologically sustainable system.

Rationale

It is undisputed that the environment is at risk from a range of harmful factors, most of which are anthropogenic. This module aims to foster in its participants a compassionate attitude toward ecology and all life on earth. It additionally seeks to improve society, and gives readers the tools they require to critically analyse their opinions, concepts and assessments in the context of safeguarding the environment. The objective is to empower individuals to make ethical decisions that promote the sustainability of the environment.

Description

Environmental conservation includes various aspects such as safeguarding, preserving and replenishing natural resources and ecosystems.

Environmental law and policy serve an important part in safeguarding the species of animals and plants that constitute our greater ecosystem, and they also benefit our current and future generations. Its objective is to preserve and protect the environment while making sure that it remains suitable for future generations as well as present.

Environment, Rights and Duties

What constitutes Environment?

The term 'environment' is derived from the French verb 'environner', which means to encircle. It includes all of the environments in which humans live.

As per the Environment Protection Act, 1986 (Section 2A)—"environment includes water, air and land, and the inter-relationship which exists among and between water, air and land, human beings and, other living creatures like, plants, micro organism and property".

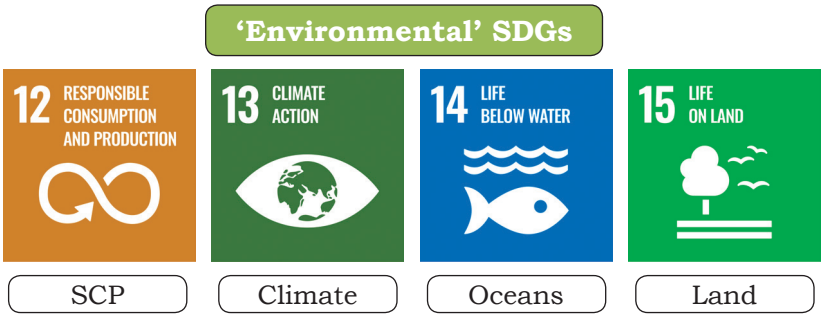


Fig. 9.1: United Nations—Sustainable Development Goals

What Causes Environmental Pollution?

Definition of Environmental pollution as per EPA, 1986:

- "Environmental pollutant means any solid, liquid or gaseous substance present in such concentration as may be or tend to be, injurious to environment."
- "Environmental pollution means the presence in the environment of any environmental pollutant."

Did you know?

Earth is currently experiencing a mass extinction event, the sixth in its history. Species are disappearing at an alarming rate due to habitat destruction, pollution and climate change.

Major Environmental Issues and Impact

Our country faces some serious environmental challenges like water pollution, air pollution, soil contamination,

Did you know?

Your ecological footprint measures how much of the Earth's resources you consume. It's like a footprint on the planet, and by being mindful of your choices, you can help reduce your environmental impact.

depletion of ground water, solid waste dumping, illegal mining, deforestation, unpredictable monsoon, heat waves, droughts, recession of glaciers, climate change, etc. All these issues are accentuated by large population, poverty and unequal distribution of resources to name a few. In addition to lead, mercury, pesticides, industrial chemicals, electronic waste and radioactive waste poisoning the land, pollution also includes fine particulate matter (PM2.5), contamination of the air, ozone, oxides of sulphur and nitrogen, freshwater pollution; contamination of the ocean by mercury, nitrogen, phosphorus, plastic, petroleum waste, and by ozone.

The effects of pollution on morbidity and mortality are compared to those of other risk factors on the same by demonstrating that pollution remains one of the primary contributing factors of ailments and early death worldwide. The negative effects of pollution on health continue to outweigh those of conflict, terrorism, malaria, HIV, tuberculosis, narcotics and alcohol, etc. The factors behind these increased numbers of deaths include chemical pollution, rising levels of ambient air pollution, and an increase in the number of persons exposed to pollution.

Rights and Duties Pertaining to Environment as Enshrined in the Constitution of India

The right to a pollution-free environment, including access to unpolluted water and unpolluted air has been deemed essential by the Supreme Court of India in several decisions. The Indian Constitution's Article 21 guarantees that no person shall be deprived of his life or personal liberty except according to procedure established by the law.

Other provisions include:

- Article 48A—The State shall endeavour to protect and improve the environment, and to safeguard the forests and wild life of the country.
- Article 51A—the (g) is to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
- Article 21—No person shall be deprived of his life or personal liberty except according to a procedure established by the law.
- Article 253 states that Parliament has the power to make any law for the whole or any part of the country, for implementing any treaty, agreement or convention with any other country.

Discussion

- Which is the most common pollution issue you have experienced in your locality?
- How do feel when you see a polluted water body with stench or a smog-filled city during winters?
- Should there be more zonal benches of the National Green Tribunal?
- Should the Fundamental Right to life be extended to other living things, rivers and forests like it is to humans?

Points for Discussion

Have a discussion with your family and friends regarding the growing environmental pollution and impact of global warming, and note down their concerns and views.

Suggested Activities

Organise a group discussion or debate amongst students on issues of environmental pollution and the way forward. You may discuss your experience regarding pollution, degradation of natural resources and climate change, etc., over a period of time and its impact in your life.



Credits: Yashwant Shrivastav

Laws for the Protection of Environment

The set of legislation governing the way we interact with our environment is known as environmental law. The laws governing the management of natural resources such as forests, minerals or fisheries, as well as the related subjects

like environmental impact assessments are included in the law. The protection of organisms from the harm that is brought about by resource exploitation and pollution is the focus of environmental law.

S. No.	Acts or Provisions	Summary
1.	Water (Prevention and Control of Pollution) Act, 1974	The main objective of the act is to prevent and control the water pollution and maintain or restore the wholesomeness of water, establish Pollution Control Boards (PCBs), and assign them with powers and functions for the above-mentioned tasks.
2.	Air (Prevention and Control of Pollution) Act, 1981	This act was introduced to manage, control and prevent air pollution by defining emission criteria for several air pollutants and delegating jurisdiction to the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs) for its implementation. For example, it regulates emissions from sources of air pollution such as industries, thermal power plants and individual units.
3.	Noise Pollution (Regulation and Control) Amendment Rules, 2000	These rules establish certain criteria to decrease noise pollution and limit the use of loudspeakers. For example, late at night and early in the morning.
4.	Environment Protection Act, 1986	An act to provide protection and improvement of environment and for matters connected therewith. The act defines environment and pollution, and empowers the Central Government to frame rules for the regulation of environmental pollution by setting emission standards, inspect industries or processes, set up testing labs, collect and disseminate information about pollution, preparation of manuals, guidelines, constitute authorities to execute action plans.
5.	Wildlife Protection Act, 1972	This act aims to safeguard India's wildlife, birds and plants by checking hunting, animal trafficking, habitat destruction and regulating wildlife preservation operations. The term 'wild life' is broadly used for any animal, bird, aquatic or land vegetation (plants) that is found wild in nature or in its habitat.
6.	Forest Conservation Act, 1980	To address the issues of deforestation, the Forest Conservation Act of 1980 was enacted. It intended to safeguard forests and their ecosystems, limits the transformation of forest land for agricultural or commercial purposes, and imposes restrictions on changes to the forest regions.
7.	Energy Conservation Act, 2001	This act focuses on increasing energy efficiency by developing criteria for equipment and appliances, and encouraging energy conservation through certifications and energy functional markers.

8.	Public Interest Liability Act, 1991	An act to provide for public liability insurance for the purpose of providing immediate relief to the person affected by and accident occurring while handling any hazardous substance, and for matters connected therewith or incidental thereto. The act was ordained to provide direct assistance to people affected by accidents related to handling hazardous materials, and other coerced and related matters. Coverage insurance is claimed when someone is injured at the place of business.
9.	National Green Tribunal Act, 2010	It is an act to provide for the establishment of National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection, and conservation of forests and other natural resources including enforcement of any legal right relating to environment, and giving relief and compensation for damages to persons and property, and for matters connected therewith or incidental thereto.
10.	Municipal Solid Waste Rules, 2016	These rules govern the collection, segregation, preservation, conveyance, handling and disposal of solid waste. Every municipal agency in charge of the collection, segregation, storage, transportation, processing and disposal of municipal solid wastes was subjected to the rules.
11.	Batteries (Management and Handling) Rules, 2001	The rules enacted under the Environment (Protection) Act of 1986, govern the collection and reprocessing of spent lead-acid batteries to address battery waste management and its environmental impact.
12.	Biomedical Waste (Management and Handling) Rule, 1998	These regulations were put in place to reduce pollution or contamination caused by biological waste generated during healthcare-related operations such as disposal, collection and segregation.

Did you know?

Did you know that recycling one aluminium can save enough energy to run a TV for three hours? Recycling not only conserves resources but also reduces energy consumption.

Did you know?

India is one of the world's most bio-diverse countries, home to magnificent creatures like Bengal Tigers, Indian Elephants and Indian Rhinoceroses. Protecting their habitats is essential for biodiversity.

Principles of Environmental Law

The general principles of law are basic rules whose content is very general and abstract for a reader without the background of law. Often reducible to a maxim or a simple concept at times difficult to comprehend.

The current environmental regulatory framework in India is based on a few fundamental concepts that can be interpreted creatively from the Indian Constitution to international agreements to judicial precedents. The development of environmental laws, the imposition of polluters with the burden of restoring the environment, and the provision of guidance to courts and enforcement bodies for the handling of complex matters involving pollution and the exploitation of natural resources have all been significantly influenced by the precautionary principle, the absolute liability principle and the polluter pays principle.

Precautionary Principle

This principle is expressed in the Rio Declaration on Environment and Development, 1992, which states in principle 15 that where there are, "threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation".

According to this concept, States should take specific actions that would be cost-effective in halting environmental deterioration if there are any indications of significant risks or irreversible harm in the near or distant future. When compared to other concepts, it is essentially a preventive measure principle. Preventing environmental damage is less expensive, easier and less environmentally hazardous than responding to existing environmental damage.

Polluter Pays Principle

The Polluter Pays Principle (PPP) was originally mentioned in the Organisation for Economic Cooperation and Development (OECD) Recommendation on Guiding Principles Concerning International Economic Aspects of Environmental Policies in 1972. According to the OECD Guiding Principles, the PPP is a tool for, "... allocating costs of pollution prevention and control measures".

The person who caused the environmental damage is required to pay the costs of environmental repair and cleanup. A environmental compensation or penalty is levied on the organisation or unit (polluter) that causes pollution in order to not only compensate those affected by the pollution, but also to cover the costs of repairing the environmental damage. Polluter pays principles involve three sorts of compensation:

- The cost of pollution abatement.
- The expense of environmental recovery.

- Compensation for victims of pollution-related damages, if any.

Public Trust Doctrine

The public trust doctrine was acknowledged by Roman law, which said that common properties such as rivers, seashore, woods and the air were held in trust by the Government for the public's free and unrestricted use. These resources belonged to no one (res nullious) or to everyone (res communious).

It proclaims that the state as trustee must defend the ecosystem and environment within its jurisdiction for the benefit of its people. Whenever judicial authority does this, the court will first presume that the state has a responsibility to protect and nurture the environment. This doctrine holds that the state is responsible for safeguarding the nation's forests and animals as a 'trustee' under Article 48A of the Indian Constitution. The State is required to consider Article 48A of the Directive Principle of State Policy when administering Article 21 of the Indian Constitution (right to life). A right to "a healthy environment" has been added to the State's trusteeship duties.

Sustainable Development and Intergenerational Equity

Should we prioritise our wants over those of future generations to enjoy plentiful, comfortable lives?

The Brundtland Report of 1987 defined sustainable development as "development that meets the needs of the present generation without jeopardising future generations' ability to meet their own needs."

According to international accords, sustainable development consists of at least three components:

- Intergenerational equity
- Sustainable use of natural resources
- Integration of environment and development

Planning developmental activities in a way that does not put an undue strain on natural resources is necessary to protect the requirements of coming generations. In accordance with Article 21 of the Indian Constitution, this idea is now acknowledged as being an essential component of existence.

Common but Differentiated Responsibility

Principle of international environmental law stating that while all states are accountable for resolving environmental degradation on a global scale, they are not all equally accountable.

Did you know?

Sustainable development as per environmental law, is about meeting our needs today without compromising the ability of future generations to meet their own needs. It's like a promise to leave a better world for the next generation.

Did you know?

CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is a global agreement to protect endangered animals and plants. It aims to ensure international trade doesn't threaten their survival.

The concept of Common but Differentiated Responsibilities (CBDR) was enshrined as Principle 7 of the Rio Declaration at the first Rio Earth Summit in 1992. According to the guiding concept, each nation has a unique set of skills, resources or technology that it can use to contribute to the development of the global society, even though all nations are accountable for it.

Discussion

- Do you segregate waste at home and schools?
- In how many categories are you segregating your waste?
- Would you encourage your friends and family to dispose waste after segregation?

Activity

- With the help of your teachers or parents, survey your school or locality, and provide a list of various plant and animal species found in the area.
- What would you do when you see someone polluting air, water or cutting any trees, or hurting an animal in your area?

International Conventions on Conservation of Environment

Stockholm Declaration, 1972

On June 1972, the United Nations Conference on the Human Environment met in Stockholm. The Declaration on Human Environment was adopted, encompassing 26 principles with the main goal of overcoming environmental challenges associated with state of growth, and providing clean and healthy living circumstances. A key component of the Stockholm Declaration was a method for developing an action plan for human environmental development. Furthermore, the proclamation noted that economic and social progress were required to ensure a healthy environment for humans.

Did you know?

Did you know that the Stockholm Declaration, created in 1972, marked the world's first major environmental conference? It laid the groundwork for global cooperation to address environmental challenges and is considered the birth of modern environmental diplomacy.

In India, a National Committee on Environmental Planning and Coordination (NCEPC) was established under the Department of Science and Technology to honour the commitments of the Stockholm convention.

Rio Declaration, 1992

The Rio Earth Summit stressed the collaboration of social, economic and environmental concerns, as well as structured cross-sector activities to achieve ecological balance. The major goal was to develop a comprehensive strategy for worldwide collaboration on environmental and developmental issues.

Did you know?

The 1992 Rio Earth Summit not only brought attention to the interconnectedness of environmental, social and economic issues but also established a framework for countries to collaborate on ecological balance.

Kyoto Protocol, 2005

It came into effect in 2005 and is the first agreement of its kind in the world to limit emissions of heat-trapping greenhouse gases. It was designed to increase the industrialised countries' commitment to reducing carbon emissions. One of the important steps in reducing the developed countries' carbon emissions is the Kyoto Protocol.

Did you know?

The Kyoto Protocol, initiated in 2005, was a groundbreaking effort to curb greenhouse gas emissions, recognising the responsibility of industrialised countries to lead the way in reducing carbon emissions.

The Kyoto Protocol operationalises the United Nations Framework Convention on Climate Change by committing industrialised countries and economies in transition to limit and reduce Greenhouse Gases (GHG) emissions in accordance with agreed individual targets. The convention itself only asks those countries to adopt policies and measures on mitigation and to report periodically.

Basel Convention, 1992

The international trade in hazardous wastes and a few other wastes is regulated under the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal. The adopted Convention, which became effective in 1992, established a 'notice and consent' regime, also known as Prior Informed Consent (PIC), for the transfer of hazardous waste and some other types of waste to importing nations. In accordance with the rules of the convention, trading in such wastes is generally prohibited without the written approval of the importing nation or when the exporting country has grounds to suspect that the specific waste will not be handled in an environmentally responsible manner.

Did you know?

The Basel Convention, launched in 1992, regulates the international trade of hazardous wastes and promotes environmentally responsible waste management practices to protect global ecosystems.

The Ministry of Environment, Forest and Climate Change (MOEF&CC) introduced Hazardous and Other Wastes (Management and Transboundary Movement) Rules of 2016.

Montreal Protocol, 2007

Did you know?

The Montreal Protocol, initiated in 2007, played a crucial role in phasing out substances that depleted the ozone layer. As a result, the ozone layer is slowly recovering.

To prevent the use of substances that deplete the 'ozone layer,' the Montreal Protocol was signed. An expedited phase-out timeline for hydrochlorofluorocarbons (HCFCs) was agreed upon by nations. According to NASA, the ozone layer is regenerating in part as a result of lower levels of CFCs, which are being phased out as part of the 'montreal protocol'.

Minamata Convention, 2013

Various human activities that are causing extensive mercury contamination are addressed by the Minamata Convention on mercury—a multinational environmental pact. Over the ensuing decades, implementation of this agreement will aid in lowering worldwide mercury pollution.

Conference of Parties 24, Paris (Climate Change Agreement)

A plan that aims to prevent global temperatures from rising by more than 1.5°C over historical levels was approved by 196 countries, in the first truly global accord to combat climate change with legal force. Countries were asked to submit Nationally Determined Contributions (NDCs) prior to COP 21 in Paris. To attain a world without greenhouse gas emissions by the middle of the century, nations strive to peak global emissions as soon as possible. The historic agreement was able to be implemented because it gave each nation the freedom to choose its own emission reduction goals and strategies for achieving them. In order to achieve the 1.5°C target, the Paris Agreement clearly emphasises the importance of local governments, businesses, investors, civil society, unions, religious organisations and intellectual institutions.



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Obliging to the provisions of Paris Agreement on climate change, India devised detailed action plan to curb pollution and check the use of fossil fuels, proposed SDGs and Nationally Determined Contributions.

How to reduce our carbon footprint?

- Switch off the lights when it's not in use.
- Turn off the heater or AC when windows are open and vice versa.
- Minimise plug load by sharing electronics with your fellow classmates (for example, printers).
- Unplug the electronics when not in use.
- Take the stairs, it's good for the health and environment.
- Switch to compact fluorescent light bulbs.
- Conserve paper and recycle.
- Only do full load of laundry.
- Save on heating by using rugs and comforters.
- Avoid using plastic or disposable cutlery, prefer reusable utensils.
- Use biodegradable detergents.
- Go for sustainable fashion.
- Plant saplings on special occasions with family and friends.

Discussions and Activities

1. What holds more importance to you—environmental conservation or development projects? Do you think a growing country like ours can timely achieve sustainable goals?
2. According to you, how impactful are the international conventions or treaties on environmental protection in the national scenario? Discuss.
3. Suggest ways in which you make your school greener including an innovative energy conservation plan.



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Institutions for Environment Protection and Conservation

Judicial, Administrative and Non-Governmental

The Indian judicial system has been crucial in preserving the environment and the public's fundamental right to live in a clean environment. It is important to note that the Supreme Court created the door for citizens to approach the Apex Court, as well as, the State High Courts for environmental justice with the use of judicial activism. The Indian Court has significantly aided in the preservation of the environment and the ecological system.

Myths and Misconception

- The environment is so polluted and damaged that it cannot be repaired anymore.
- There is no scope for making a career in the field of environmental law as it is non-rewarding.
- River Ganga is a holy river, therefore, it can be polluted as it can self-purify.

S. No.	Institutions and Procedure	Relief Provided Under Laws
1.	**Supreme Court:** By way of Special Leave Petition, WRIT, Public Interest Litigation, Suo Moto cognizance, Letter petition, etc., the Apex Court grants environmental justice. **High Court:** Through WRIT, Public Interest Litigation, Suo Moto cognizance, Letter petition, etc., the High Courts of various States deal with questions of environment and wildlife.	The Indian Constitution has specific provisions for Environment as part of Fundamental Rights and Duties. We can approach the Supreme Court or High Court and seek reliefs like restoration of Fundamental Rights, execution of orders or directions, fine or punishment, setting aside unsustainable projects, compensation, etc.
2.	**National Green Tribunal (NGT):** The NGT renders decisions for environmental preservation and sustainable development through original applications, miscellaneous applications, appeals, letter petitions, etc., based on the natural justice precautionary principle and the polluter pays principle. **Commissions and Boards (NHRC, AWBI):** State PCB, CPCB, Jal Nigams, Forest Dept, CGWB, NBWL or SBWL, etc. (for complaints and clearances). TTZ Authority, CEC, Bhurelal Committee, Namami Gange, CAMPA, etc. (specialised bodies formed under the direction of Courts	**Environment Laws:** Restoration of environment, damages, power to Central and State Government to make laws, penalties, restraining order, criminal liability, injunctive orders, setting aside of EC, inspection by pollution control boards or Court appointed expert committee, compensation, and restitution. These reliefs are granted under myriad of environmental laws like the Environment Protection Act 1986, Water Act, Air Act, Biodiversity Act, etc.

	or Tribunals or concerned Central or State Government agencies for redressal of environmental issues in a particular region or area). **Ministries or Government Departments:** Ministry of Jal Shakti, MoEF&CC, Ministry of Earth Sciences, NHRC, etc. are also a part of grievance redressal system in environmental matters. Through the modes of complaint applications, Suo Moto cognizance, public grievance, project clearance, project rejections, etc., the Central and State ministries or departments provide redressal in environmental matters.	
3.	**District Courts:** Complaint or FIR (nuisance, wildlife crime, threat or damage to life, and property or execution of Court's or Tribunal's orders) are entertained in the District Courts throughout the country.	**Indian Penal Code:** Public nuisance, wildlife trafficking, act of negligence, fouling water of public spring and reservoir, making atmosphere noxious to health, etc.
4.	**Civil Courts**	**Tort:** Damages and injunction, nuisance, negligence, trespass, strict liability and absolute liability
5.	**Panchayats**	The responsibility to establish and carry out plans and programmes for economic development and social justice in areas like water management, watershed development, drinking water, soil conservation, forestry and fisheries, falls on the shoulders of the Panchayats.
6.	**NGOs**	The WWF, CRY Foundation, *Goonj*, Wildlife SoS, UNICEF, UNFCC, etc., also play vital role in taking up conservation cases as well as human rights issues. Assisting in the process, NGOs also provide information to citizens and victims about available complaint mechanisms. Some NGOs also offer training programmes and informational materials, which raises public awareness and encourages participation.

Case Study 1



Source: Times of India, Vishwa Mohan (TNN), 14 May 2015, 08:53 IST

Based on the article given above, students may form discussion groups and answer the following questions:

a. As per the article referred above, do you think the Central and State Governments have taken adequate measures for abetting pollution in the river?
b. What initiatives can the civil society take to curb water pollution in their respective areas?
c. Name the laws and judicial bodies that will be useful in taking action against polluters.
d. At an individual level, what practices can you adopt to keep your environment clean?

Case Study 2



Effect of Air Pollution on Taj Mahal

Source: https://www.netsolwater.com/effect-of-air-pollution-on-taj-mahal.php?blog=2156

Based on the photo given above, students may form discussion groups and answer the following questions:

a. Have you ever visited the Taj Mahal in Agra? Did you know that it is one of the seven wonders of the world and declared as a World Heritage Site by UNESCO?
b. What is the significance of heritage monuments for the country and do you believe that they should be preserved?
c. Make a list of UNESCO world heritage sites situated in India.
d. The Taj Mahal has become yellow due to Air pollution in Agra (and Taj Trapezium zone), the Central and State Governments have taken several mitigating initiatives under the directions of Supreme Court of India.
e. Read the Taj pollution case (M.C. Mehta vs. Union of India, WP (c) No. 13381/1984) and discuss with your teacher the impact of air pollution on human health and the monuments. Provide some suggestions that you can inculcate as 'good practices' to check air pollution.

Landmark Environmental Cases

Vellore Citizens Welfare Forum vs. Union of India & Ors (AIR 1996 SC 2715)

The Supreme Court recognised the Precautionary Principle, which is one of the cornerstones of sustainable development. It was stated that in the framework of municipal legislation, the Precautionary Principle means:

1. Environmental measures to predict, prevent and address the causes of environmental degradation.
2. A lack of scientific investigation should not be utilised to postpone steps to prevent environmental degradation.
3. The performer, developer or manufacturer bears the burden of proving that his conduct is environmentally friendly.

In this case, the 'onus of proof' was introduced as a consideration relevant to environmental protection for the first time. Precautionary responsibilities must be triggered not only by the suspicion of a concrete danger but also by (justified) anxiety or risk potential.

MC Mehta vs. Union of India & Ors (AIR 1987 SUPREME COURT 1086, Sriram Gas Leak case)

In this case, the Supreme Court of India established the principle of absolute liability. According to the rule of absolute liability, if any person is engaged in an inherently dangerous or hazardous activity, and any harm is caused to any person because of an accident that occurred while carrying out such inherently dangerous and hazardous activity, then the person who is engaged in such activity will be held absolutely liable. The exception to the strict responsibility rule would also be rejected. In this case, oleum gas had escaped from a facility in Delhi, endangering several individuals.

TN Godavarman Thirumulkad Vs. Union of India & Ors [1997(2) SCC 267]

The Supreme Court held that the Forest Conservation Act was enacted to combat deforestation and applies to all forests, regardless of ownership or classification, and includes forests designated as reserved, private or otherwise; prior approval of the Central Government is required for any non-forest activity within any forest's area.

In Re:Noise Pollution Restricting Use of Loudspeakers (2005 INSC 356)

The Supreme Court emphasised that noise had significantly risen in importance as a contaminant in modern society and was having a negative impact on people's health. Department of Explosives (DOE) was ordered by the court, among other things, to publish the chemical formulae for each type, category or class of firecrackers. Between 10 P.M. to 6 A.M., sound-emitting firecrackers would be completely prohibited. Each firecracker's producer was required to list the specifics about its chemical composition on the box. Except in cases of public emergencies, no one was authorised to operate a sound amplifier at night (10 P.M. to 6 A.M.). Between the hours of 10 P.M. and 6 A.M., no vehicle should be allowed to horn in a residential neighborhood unless necessary. The dangers of noise pollution needed to be brought to the public's attention.

Activities

Draft a petition on any one issue of pollution before the forum or institution of your choice. If possible, schools may organise visits of students to sewage treatment plants, solid waste segregation centres, recycling centres, etc. Small batches of students can also be taken to visit the judicial courts in your city.

Discuss

Do you feel that we should have specialised courts for the environment protection in each State of India.

Message for the Parents

For children, parents are the first *gurus* and home is their first institution of learning. The knowledge and discipline they attain at home shapes their future personality and traits. Environment has a major role in terms of health and well-being of a child. Parents can play a major role in sensitising a child towards their natural environment and to lead an ecologically sustainable life.

Good habits of reduce, reuse and recycle must be inculcated in children from a very young age. For example, parents can entirely avoid the use of plastic at home and use reusable articles instead. Likewise, ways to consume lesser energy and resources must be encouraged where kids can got inspired to share and innovate. Parents can also encourage children to plant saplings and take care of gardens.

References

Bohra, P. National Law University and Judicial Academy, Assam.

Das, C. 2007. A Treatise on Wildlife Conservation in India. Classique Books. 65.

Patel, P. D. 2018. *International Journal of Research in All Subjects in Multi Languages*. 6(10). http://www.raijmr.com/ijrsml/wp

Weblinks

https://law.uok.edu.in/Files/5ce6c765-c013-446c-b6acb9de496f8751/Custom/jurisprudence-Unit-I.pdf

https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/18072022_180331_102120463.pdf

https://unfccc.int/kyoto_protocol

https://blog.ipleaders.in/environment-legislation-in-india/

https://highcourt.cg.gov.in/artical/Role_Judiciary_Pro_Env.html

https://www.britannica.com/topic/environmental-law/Environmental-assessment-mandates

https://iasscore.in/bharat-katha/evolution-of-environmental-laws-of-india

https://www.barelaw.in/fundamental-principles-of-environmental-law/

https://www.clearias.com/environmental-laws-india/

THEME 10

CYBER SECURITY AND INFORMATION TECHNOLOGY



CYBER SECURITY AND INFORMATION TECHNOLOGY

Learning Outcomes

After going through this theme you will be able to:

- Know the helpline number in case of any urgent or instant help required from the cyber cell.
- Question and develop critical thinking, problem solving and decision making attitude to deal with cybercrimes.
- Identify redressal mechanisms to deal with cybercrimes.
- Approach a cybercell or the local police station to complain against cyber related crimes.
- Sensitise herself or himself against all sorts of cyber threats through discussions, debates, street plays, deliberations, activities, etc.
- Be aware of the legal provisions related to cyber security and information technology.
- Recognise that in case of a cyber attack, he or she has to first talk to his parents or teachers or elders or school counsellors about it and discuss it with them.

Introduction

The rising advancement of information technology and the emergence of digitalisation has brought about a dynamic transformation in the education sector. With the growth of cyber spaces, internet and online interaction, digital innovation and creativity in education has increased manifold. However, the penetration of digital media and the expansion of cyber technology has created a formidable ground for misuse of these cyber spaces against the children and has thus, led to the necessitation of cyber security in schools. It is hence, the dire need of time to sensitise our students, teachers and parents alike to the vulnerabilities of the internet and make them aware of the cyber risks and attacks that can target children.

One of the SDGs promoted by the UN, talk about ensuring inclusive and equitable quality education, and promote lifelong learning opportunities for all. In the rising tech-savvy world which is rapidly evolving, cyber security is essential to keep the inclusive and diversified education intact and not allow children to succumbto the exposure of the internet, data breach, data manipulation, etc. However, it should not deter children from using the online spaces. Instead, they should be equipped

and well-prepared to face such challenges and obstacles effectively and efficiently, in order to ensure their emotional well-being.

To wear down codified offence cases against the cyber attacks in India, the Government of India has enacted a special law, namely the Information Technology Act, 2000 (IT Act) to significantly deal with cybercrimes and crimes related to IT. The IT Act, 2000 is a comprehensive law with various provisions for the protection against cybercrimes and safeguarding the interest of people against cyber attacks.

Rationale

Cybercrime refers to criminal activity that involves the use of computers, the internet or other digital technologies. It includes activities such as hacking, identity theft, malware, etc. Cybercrimes can be categorised in two ways:

1. **Computer as a target:** Using a computer to attack other computers, for example, hacking, virus or worm attacks, DOS attack, etc.
2. **Computer as a weapon:** Using a computer to commit real world crimes. For example, cyber terrorism, IPR violations, credit card frauds, electronic fund transfer frauds, pornography, etc.

Cyber security is the need of the hour. It is imperative for all children in this time of rapidly increasing technology to equip themselves with ways to protect themselves against cybercrimes, internet breaches, threats in online transactions, ransom ware, etc. The very need to have cyber security in education cannot be neglected and brushed aside as crimes like data theft, cyber bullying, etc., can potentially affect all levels of education and can be wrongfully used to sell personal information. Hence, cyber security is crucial in any business setting, but especially in education. Cyber attacks not only compromise with the safety and security of students but also the privacy of teachers and school administration.

Today, millions of students are learning through technology in hybrid, remote or in-class environments, which is why keeping their devices secure is paramount for students' learning experiences and teachers' work. There has been a massive increase in cybercrimes during the COVID-19 pandemic which makes cyber security so quintessential in schools these days. The following table adequately describes the same:

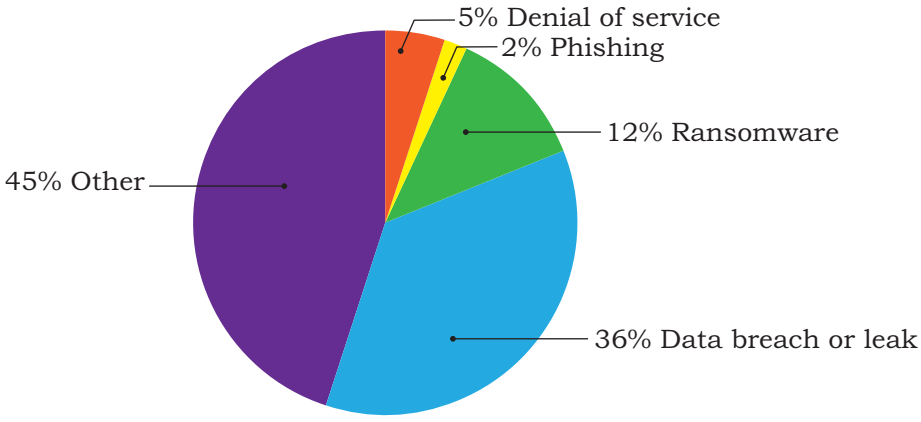


Fig 10.1: Cyberattacks in education

Note

'Other' includes malware, meeting invasions, and website and social media defacement.

Description

Cybercrime and its Types

S. No.	Cybercrime	Description
1.	Cyber phishing	It is a type of cyberattack in which the attacker sends a fake email or message to the victim, posing as a trustworthy entity and acquires information such as usernames, passwords, PIN, bank account, credit card details, etc.
2.	Cyber bullying	It is bullying that happens through electronic technology and digital platforms such as social media, email, text messages or online forums, etc.
3.	Juice jacking	It is a cyberattack where criminals install malware to steal data from devices that are connected to them.
4.	Keyloggers	These are malicious programs that record every keystroke on a computer or device, allowing criminals to steal sensitive information such as passwords, etc.
5.	Online grooming	It is a practice to build a relationship with a child online and gains his trust for the purpose of exploiting him.
6.	Spam mail	It is unsolicited email that is sent in bulk to a large number of people. These emails often contain malicious links or attachments that can infect computers with viruses or malware.

7.	Ransomware	It is a type of malware that encrypts files on a computer or network, rendering them unusable. Criminals then demand a ransom payment in exchange for the decryption key to unlock the files.
8.	Online transaction Frauds	Online transaction frauds refer to any type of fraudulent activity that takes place during an online transaction such as purchasing goods or services online, transferring money between bank accounts using mobile payment services, etc.
9.	External storage device threats	USB Drives, CDs, etc., which store and transfer data easily are potential carriers of malware and hence, a big security threat.

Activities

A. Case Studies

Case Study 1

One fine day, Abby, a Grade X student, started getting international phone calls on her mobile phone. Soon, her best friend, Kiara, also started getting the same calls. This cycle expanded and three other friends of Abby and Kiara started receiving international calls. All of them were so disturbed that they started keeping their phones on airplane mode all the time. Within two weeks, all of them started getting Whatsapp messages from different people, asking them for sexual favours and pornographic images. Abby and her friends continued to face this mental harassment for months. One fine day, Abby gathered her courage and with her friends filed a complaint in the local police station and the cyber cell. The cyber cell took immediate action and after a few visits, Abby and her friends were free of the international calls which were connected to the pornographic Whatsapp messages that they used to receive daily.

Points for Discussion

1. What did you learn from the case study?
2. Do you think Abby and her friends should have reported the matter earlier?
3. How do you think this incident would have affected Abby and her friends in school?



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Case Study 2

Neha posted a picture of herself on Facebook and soon after, she began receiving hateful comments from her fellow classmates. They mocked her and demeaned her so much that Neha became very sad and found it difficult to pay attention to studies in school. She lost her interest in all extra-curricular activities as well. This is called cyber bullying.

Points for Discussion

1. Which provision of the IT Act talks about cyber bullying?
2. What are the other ways to prevent cyber bullying?

Do's

- Take action immediately if bullied and inform teachers or parents.
- All types of bullying are unacceptable and subject to disciplinary action.
- Think twice before posting anything online.
- Meet a school counsellor or any medical professional for mental health needs.
- Model respectful behaviour and never send hurtful messages to anyone.

Don'ts

- Do not spread rumours or lies about anyone via emails, texts, etc.
- Do not send photos and videos to anyone without their permission.
- Don't ignore cyber bullying. Take the help of an adult.

Case Study 3

Ritika received an email from her bank, that her account had been hacked and she needed to reset her password immediately. The email had a link to a bank website. Ritika tried to reset her password. However, the website was fake and looked identical to her bank's website and soon she realised that she had fallen for a phishing scam and had lost all her money. This is called cyber phishing.

Points for Discussion

1. Should Ritika respond to phone calls asking for bank account details?
2. What else should Ritika do to prevent any cyber phishing attacks in future?

Do's

- Be cautious about opening any attachments or downloading files from strangers.
- Check the sender's email address before giving any personal information.
- Use updated anti-virus firewall software.
- Always update your web browser and install phishing filter.

Don'ts

- Do not reply to any email, pop-ups, etc., which ask for personal information.
- Do not open any attachments or download files from strangers especially, ZIP Files.
- Do not open any spam email.
- Do not open suspicious videos, images on social networking websites.

B. Group Activity for Students and Teachers

Make groups of four students and each group of students must answer the following questions through a class presentation. Subsequently, the class teacher must evaluate the students' responses and give her suggestions and perspective on the following questions.

Cybercrime police clamp down on violations against children

MISUSING SOCIAL MEDIA Experts say many do not know what content would land them in trouble

Farhan Shaikh
• farhan.shaikh@htlive.com

NAVIMUMBAI: A week after Union minister Ravi Shankar Prasad's speech in the Lok Sabha on the growing menace of child pornography in the country, the Navi Mumbai cybercrime cell has identified 21 people across the city who published child pornographic content on social media.

In the past one week, the police have arrested four people for such crimes and are working to trace more, officials said.

"We are tracing the 21 accused and strict action will continue against the people. In many cases, the people are emboldened as they feel the virtual world provides them a cover of anonymity, but our investigations always uncover it," said Jayraj Chaparia, senior police inspector from cybercrime cell, Navi Mumbai

Among the four arrested, the Kopar Khairane police have arrested a house painter and a BMS graduate working with a private firm while the Uran police and NRI police station have arrested one person each.

The cyber cell sprang into action after the National Cyber Crime Reporting Portal (NCCRP) supplied them with the suspected URLs commonly known as web addresses.

In one case, a painter Amit Hussain, 25, bought a phone using documents of his roommate. Hussain arrived from Madhya Pradesh to find a job in the city and was staying in a chawl, said police. He uploaded a pornographic content involving a minor child on his social media account which NCCRP later traced.


ILLUSTRATION: SHRIKRISHNA

ABOUT THE ACT

Protection of Children from Sexual Offences (POCSO) Act, 2012:
Section 14 and Section 15

inscribe punishment for using a child for pornographic purpose and for storage of pornographic material involving a child.

RECENT ARRESTS

In the past one week, the police have arrested four people for uploading child pornographic content on social media.

The police have seized the mobile phones of the arrested accused and will continue with investigations. Police sources said based on their findings in the probe, they will decide whether to press charges of stringent POCSO Act which subscribe a stricter punishment. It also will reduce the accused's chances of securing a bail.

The BMS graduate Suraj Sachdev, 29, allegedly told police that he found the video innocent which involved a "disrobed child with his parents".

Police, however, said they have not verified his claims during investigations at the police station although the NCCRP has provided them with a video CD.

"The duo was arrested and produced in court which released them on bail. With the strict action, we hope those misusing social media will be warned from indulging in this crime," said Nishikant Vishwakar, inspector at Kopar Khairane police station.

Cyber cell officers said they have not come across a sustained racket where child sexual abuse material (CSAM) is being circulated since it is already actively blocked at the central level. Officials termed these arrests sporadic.

Navi Mumbai police commissioner Sanjay Kumar recently held a session with college students to educate them on the use of social media.

"Youngsters spend quite a lot of time on social media and often some people would send a link or a post containing obscenity without thinking how it will be perceived by the receiver," added Chaparia.

In WhatsApp groups, it is likely you are a part of a group where more than half of the group members are not known to you.

In such cases, it is likely that someone would post a mischievous link on the group, said police.

Cybercrime investigator Ritesh Bhatia blamed the cases on lack of awareness.

"People need to be made aware that not just storing it but also viewing it is a crime. Companies need to do more to block it at the root level," said Bhatia.

While the police keep a watchful eye on social media during elections throughout the year, officials said admins of the groups are asked to ensure civility is maintained in these groups and uploading of CSAM is reported to the police at the earliest.

Cyber psychologist Nirali Bhatia said India has two types of CSAM users — actual paedophiles and accidental CSAM users, who watch it for curiosity, both of which are a criminal offence.

"Accessibility to internet has changed the way crimes are committed. The nature of the internet is such that even after one block CSAM at one end, it will surface through other social media," she added.

Bhatia said that in some cases the police fall short in taking immediate action against the perpetrators.

In one such case, in a village in rural Maharashtra, villagers spotted a teenage couple sitting cosily. The men forced the couple to perform sexual acts and recorded it and posted it viral on the social media. The accused were arrested.

In cases involving people actively searching for CSAM content, they fall directly on the wrong side.

"There is a huge responsibility on popular social media platforms to help the police arrest the criminals. The companies would give excuses like privacy but they should understand that nothing comes above child protection," Bhatia added.

While there is a market for CSAM in the western countries and in eastern states, Ritesh said India has not reached that stage but most of these creators of CSAM do so for personal sense of achievement and circulate it with the help of easily available data.

"From the perspective of a child, who is victimised, it is more scaling towards exploitation than a systematic monetary profit from the CSAM," he added.

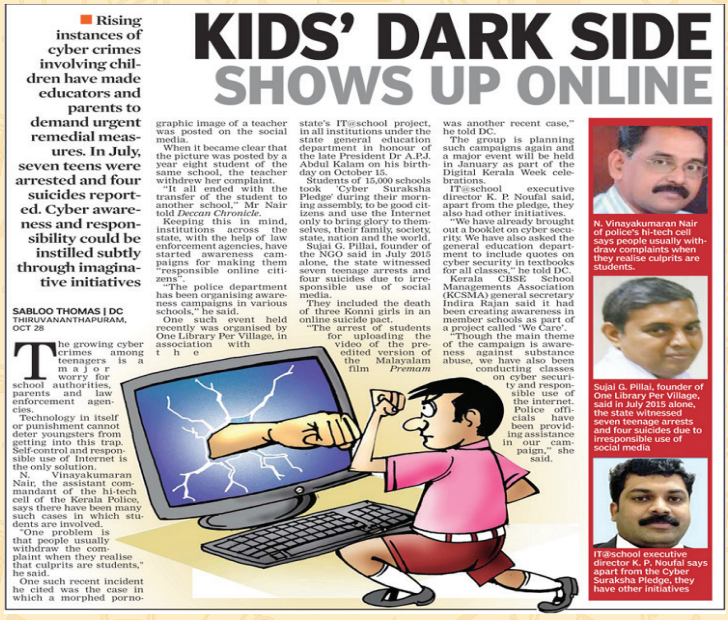
CYBER CELL OFFICERS SAID THEY HAVE NOT COME ACROSS A SUSTAINED RACKET WHERE CHILD SEXUAL ABUSE MATERIAL IS BEING CIRCULATED

GOVT STATEMENT

In their statement in July last year, the Ministry of Women and Child Development said, "The government blocks the websites containing extreme Child Sexual Abuse Material (CSAM) based on interpol's worst-of-list shared periodically by Central Bureau of Investigation (CBI) which is the National Nodal Agency for Interpol. The list is shared with Department of Telecommunications (DoT), who then directs major Internet Service Providers to block such websites."

Source: https://www.v4web.com/press-national.html

1. What is being talked about in the newspaper article?
2. What do you think are ways in which children can know the boundaries of using social media?
3. What are the safeguards and security practices to make parents, teachers, children aware of cybercrimes and follow security safety and cyber ethics?
4. What are the relevant laws in India to deal with cybercrimes?



KIDS' DARK SIDE SHOWS UP ONLINE

Rising instances of cyber crimes involving children have made educators and parents to demand urgent remedial measures. In July, seven teens were arrested and four suicides reported. Cyber awareness and responsibility could be instilled subtly through imaginative initiatives

SABLOO THOMAS | DC
THIRUVANANTHAPURAM, OCT 28

The growing cyber crimes among teenagers is a major worry for school authorities, parents and law enforcement agencies.

Technology in itself or punishment cannot deter youngsters from getting into this trap. Self-control and responsible use of Internet is the only solution.

N. Vinayakumaran Nair, the assistant commandant of the hi-tech cell of the Kerala Police, says there have been many such cases in which students are involved.

"One problem is that people usually withdraw the complaint when they realise that culprits are students," he said.

One such recent incident he cited was the case in which a morphed pornographic image of a teacher was posted on the social media.

When it became clear that the picture was posted by a year eight student of the same school, the teacher withdrew her complaint.

"It all ended with the transfer of the student to another school," Mr Nair told *Deccan Chronicle*.

Keeping this in mind, institutions across the state, with the help of law enforcement agencies, have started awareness campaigns for making them "responsible online citizens".

"The police department has been organising awareness campaigns in various schools," he said.

One such event held recently was organised by One Library Per Village, in association with the state's IT@school project, in all institutions under the state general education department in honour of the late President Dr A.P.J. Abdul Kalam on his birthday on October 15.

Students of 15,000 schools took 'Cyber Suraksha Pledge' during their morning assembly, to be good citizens and use the Internet only to bring glory to themselves, their family, society, state, nation and the world.

Sujai G. Pillai, founder of the NGO said in July 2015 alone, the state witnessed seven teenage arrests and four suicides due to irresponsible use of social media.

They included the death of three Konni girls in an online suicide pact.

"The arrest of students for uploading the video of the pre-edited version of the Malayalam film *Premam* was another recent case," he told DC.

"The group is planning such campaigns again and a major event will be held in January as part of the Digital Kerala Week celebrations.

IT@school executive director K. P. Noufal said, apart from the pledge, they also had other initiatives.

"We have already brought out a booklet on cyber security. We have also asked the general education department to include quotes on cyber security in textbooks for all classes," he told DC.

Kerala CBSE School Managements Association (KCSMA) general secretary Indira Rajan said it had been creating awareness in member schools as part of a project called 'We Care'.

"Though the main theme of the campaign is awareness against substance abuse, we have also been conducting classes on cyber security and responsible use of the internet. Police officials have been providing assistance in our campaign," she said.

N. Vinayakumaran Nair of police's hi-tech cell says people usually withdraw complaints when they realise culprits are students.

Sujai G. Pillai, founder of One Library Per Village, said in July 2015 alone, the state witnessed seven teenage arrests and four suicides due to irresponsible use of social media

IT@school executive director K. P. Noufal says apart from the Cyber Suraksha Pledge, they have other initiatives

Source: Deccanchronicle, telengana, 28 October 2015

1. What is being shown in the newspaper clipping?
2. Why do you think the incidents of cybercrime are growing among teenagers?
3. What are the ways to address these issues?
4. Are the redressal mechanisms given in the article enough to deal with cybercrime?

C. Quizzes and Discussions

1. What role can schools and teaches play in preventing cybercrime?
2. Can there be any infrastructural improvement to help students become cyber-friendly and inform their teachers or parents or elders about the cyber issues they face in their daily life?
3. Is there a need for schools to have more discussions and deliberations on cyber security and information technology? If yes, what kind of discussions?
4. Do teachers need separate workshops and training on cybercrime related topics like cyber bullying, keylogging, etc., so that they are adequately able to help students on cyber related problems?

D. Organise Visits to Cyber Cell for Sensitisation

1. Educate the students by allowing them to open cyber cell website (www.cybercrime.gov.in), in their computer classes, help them tread the website, teach them internet safety tips and how to file an online complaint on the cyber cell on the website itself, etc.

2. Organise a cyber security and safety awareness month in school, and with the help of lectures or workshops or interactive sessions help the students attain sensitisation.
3. The students must know helpline numbers in case of any cyber related crime such as financial fraud, etc. (Dial 1930 or 155260).

E. Teach Students How to Draft Complaint to the Local Police Station and Cyber Cell

Draft or format, or template of a complaint to the school:

Date:

The Principal
XYZ School
Address:

Subject: Regarding Cyber Bullying At School

Respected Ma'am,

I _____, resident of _____ in Class _____ would like to bring to your kind attention that recently, I have been a victim of cyber bullying by a fellow classmate of mine, named _____, student of class _____.

I had posted a picture of myself on a social media platform, ____. After some time, I saw certain comments and personal messages mocking me, calling me names and demeaning me. It has been one month since this incident has happened and I am finally bringing it to your kind notice today as it has affected my mental health, my academics and my physical activities in school. I have been disturbed and found it extremely difficult to pay attention to studies in school. I have also lost interest in all the extra-curricular activities at school.

I have not been able to tell this to my parents or my teachers directly and therefore, I am writing this email to you in confidence. I hope you will keep my name anonymous for the sake of confidentiality. Kindly look into the matter urgently.

Hoping for a quick response.

Thanking you,

Yours sincerely,
_____

Myths and Misconceptions

- Approaching the police and the cyber cell in case of a cybercrime will tarnish one's image and reputation.
- Hackers or cyber criminals play short games for quick wins without scheming for a long period of time.
- If you do not update your anti-virus software and your firewall software, your system can still stay protected against virus, malware and spyware.
- If you do not log out on electronic devices in the public such as a library, cyber cafes, coffee houses, schools, etc., you will stay protected against the leakage of personal information, etc.
- Using public browsing settings and clicking on any web links or pop-ups will not disrupt your device or gain access to your personal information.
- Cyber security is not your responsibility.
- You only ought to shield yourself against hackers.
- Cyber threats only come from external factors like foreign threats and native threats that are not equally destructive.

Strategies and Redressal Mechanism

Pre-Cybercrime

1. Never open emails, send pictures or files on web pages that are received from strangers.
2. Do not send or forward unknown or untrusted messages, and restrain from giving out personal information especially about your residence, school addresses, family details, etc., without the knowledge of parents and teachers.
3. If some inappropriate content is sent to you bring it to the notice of teachers, parents and school councillors.
4. Self-reflective exercises such as organising discussions, seminars, etc., is very vital for sensitisation and awareness of cybercrimes. Arrange expert visits in schools at least once in two months and conduct cyber awareness week or month with fun activities.
5. Regularly visit the national cybercrime reporting portal handled by the Ministry of Home Affairs (cybercrime.gov.in) in order to stay updated with cyber related news, technological advances, and safety and security.

Post-Cybercrime

1. If any form of cybercrime has happened whether it is an edited version of your picture posted online or it is

a ransomware or you have been bullied online, etc., never be ashamed to inform your elders or parents or teachers.

2. If you are not able to directly talk to your parents, teachers or elders, try conveying it to them through a written form such as an email, a letter, etc.
3. In case of data breach, disconnect your internet, disable remote access, maintain firewall settings, install any pending security updates or patches and change passwords.
4. If any form of school place redressal is not adequate, file a complaint in the local Police station as well as the cyber cell. An online complaint can be registered on the website (cybercrime.gov.in) or an email can be addressed to the cyber cell and the Station House Officer (SHO) of a local police station.
5. Always follow up with the cyber cell and the police, and be aware of the legal provisions so that you can seek the right help required.
6. If any cybercrime has taken place by a fellow student in school or through means which are possible in a school premises, never shy from complaining against it to the school principal.

Government Initiatives

1. Establishment of National Critical Information Infrastructure Protection Centre (NCIIPC) for protection of critical information infrastructure in the country.
2. All organisations providing digital services have been mandated to report cyber security incidents to CERT-In expeditiously.
3. Cyber Swachhta Kendra (Botnet Cleaning and Malware Analysis Centre) has been launched for providing detection of malicious programmes and free tools to remove such programmes.
4. Issue of alerts and advisories regarding cyber threats by CERT-In.
5. Issue of guidelines for Chief Information Security Officers (CISOs) regarding their key roles and responsibilities for securing applications or infrastructure and compliance.

Legal Provisions of the Bhartiya Nyaya Sanhita 2023

Actions	Offences Under BNS	Provision of BNS
Sending threatening message	Criminal intimidation	Section 351
Defamatory messages	Defamation	Section 356
Bogus websites, cyber frauds, spoofing	Cheating	Section 318
Forged e-records	Forgery	Section 336
Web-jacking	Extortion	Section 308
Pornography	Obscenity	Section 294
Online harassment	Stalking	Section 78
Hijacking electronic devices, stolen data or stolen computers	Theft	Section 303
Publishing pictures of private parts of a woman without her consent	Voyeurism	Section 77
Email spoofing	Fraud with the intention of cheating	Section 336(3)

Legal Provisions of the Information Technology Act, 2000 (IT ACT)

- **Section 43:** This section deals with the cybercrime of damaging the computer of the victim without his due consent and entitles the victim to a full refund of the damage.

  In 'Poona Auto Ancillaries Pvt. Ltd., Pune vs. Punjab National Bank, HO New Delhi & Others (2018)', a fraudster had transferred ₹80.10 lakh from an account at PNB, to a phishing email responded by the complainant. Since the complainant responded to the phishing mail, the complainant was asked to share the liability. However, the bank was found negligent because there were no security checks conducted against fraudulent accounts opened to defraud the complainant.

- **Section 66:** It applies to any conduct described in Section 43 that is dishonest or fraudulent attracting three years of imprisonment or a fine of up to ₹5 Lakh.

In 'Kumar vs. Whiteley (1991)', during the course of the investigation, the accused gained unauthorised access to the Joint Academic Network (JANET) and deleted, added and changed files, thus, modifying computer databases. The CBI registered a cybercrime case against the accused and conducted investigations after finding unauthorised use of broadband internet on the accused's computer who was then sentenced a rigorous year of imprisonment with a fine of ₹5,000 under Sections 420 of IPC and 66 of the IT Act.

- **Section 66B:** It deals with the penalties for fraudulently receiving stolen communication devices or computers, and attracts a three year sentence or a fine of up to one lakh rupees.
- **Section 66C:** This section focuses on digital signatures, password hacking and identity theft attracting imprisonment upto three years along with one lakh rupees as a fine.
- **Section 66D:** Cheating by in personation using computer resources is punishable up to three years and/or upto one lakh rupees fine.
- **Section 66E:** Taking pictures of private areas, publishing or transmitting them without consent is punishable with imprisonment of up to three years and/or upto two lakh rupee fine.
- **Section 66F:** This section punishes an individual guilty of acts of cyber terrorism. For instance, if a threat email is sent to an institution planning a terror attack on the institution.
- **Section 67:** It punishes a person with up to five years of imprisonment and ten lakh rupees fine for electronically publishing obscenities.
- The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 also entail certain security standards that are specified to be maintained by individuals with sensitive personal information.
- The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 govern the maintenance of online safety of users and prevents any sort of transmission of harmful content on the internet.
- The Information Technology (Guidelines for Cyber Cafe) Rules, 2011 are guidelines that entail registration of

cyber cafes with an appropriate agency and maintain a record of users' identities and their internet usage.

- The Information Technology (Electronic Service Delivery) Rules, 2011 are regulations that deal with the specification of delivery of certain services such as applications, certificates and licenses, through electronic means by the Government of India.
- Information Technology (The Indian Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013 (the CERT-In Rules) are also regulations that govern the operation of response help desks, etc.
- The Cybersecurity Framework (NCFS) is for harmonising the cyber security approach and entails responsibly handling cyber related risks.

Suggested Additional Activity

Talk to your parents or peers about some of the common cyber crimes prevalent among teenagers and children. Are these influenced by too much unregulated usage of social media?

Self Aware Assessment and Reflection Questions

1. In case of a cyber attack like financial fraud, what is the helpline number?
2. If a spam email or an email from a stranger has come, should you open it and respond to that email?
3. If an unknown forward or untrusted message or some uncomfortable content has been received by you on Whatsapp, what should you do?
4. Suppose some personal information about your residence, school address, family details, etc., has been asked by a stranger via text, what is the alternative?
5. In case a cybercrime like your morphed pictures being circulated online has taken place, what should be your redressal mechanism?
6. Are there any ways through which awareness and sensitisation in schools related to cyber security and information technology can be enhanced?

Message for the Parents

Cybercrime is a form of crime that targets the very core of a child's confidence and individuality and therefore, has to be dealt with in a very sensitive manner by the parents. It results in physical, mental, psychological, and emotional harm and suffering. Parents must enable their children to say 'no' to cybercrime. They should regularly keep checking up on the children and be very friendly to them so that the child can seek help from them whenever required. Parents must instill trust in their child so that the child can come to them without any hesitation or overthinking. Further, they themselves should be aware and sensitised about cybercrimes in the growing world of technological advancement, and ensure a safe and cyber-friendly place for their child. Parents must attend workshops, lectures, participate in activities which suggest them ways to stop any cyber violence against their child. Parents must work in tandem with the child to find a solution and resolve the conflict. They should not hesitate in encouraging the child to file a police complaint or a complaint in the cyber cell, and in fact should boost the confidence of the child. Aware parents can lead to aware children.

References

Aggarwal, H. 2020. Everything About Cyber Laws in India. *Appknox*. https://www.appknox.com/blog/cybersecurity-laws-in-india

Calif, S. 2020. Cyber-crime to Cost the World $10.5 Trillion Annually by 2025. *Cyber-crime Magazine*. https://cybersecurityventures.com/hackerpocalypse-cybercrimereport-2016/

Digital Guardian. 2020. Cyber Laws in India and Information Technology Act-All You Need to Know. https://digitalguardian.com/blog/what-cyber-security

Groot, J. 2023. What is Cyber Security? Definition, Best Practices and Examples.

Government of India. 2019. Steps Taken to Deal with Cyber-crime and Cyber Security. Press Information Bureau. Ministry of Home Affairs.

———. 2023. Small Handbook on Information Security Education and Awareness 2023. Centre for Development of Advanced Computing, Ministry of Electronics and Information Technology.

———. Information Technology Act, 2000 and Its Amendment. Cyber Laws Division, Ministry of Electronics and Information Technology.

———. Information Security Awareness. Ministry of Electronics and Information Technology. https://www.infosecawareness.in/

Nehra, R. 2021. Cyber-crimes and Cyber Laws in India. *Probono India*. https://probono-india.in/blog-detail.php?id=218

Singh, S. 2020. Cyber-crime Against School Children: Challenges and Solutions.

The Indian Express. 2023. Victim of a Cyber-crime? Here's a Step-by-step Guide on How to File a Complaint. https://indianexpress.com/article/explained/everyday-explainers/victim-cybercrime-guide-how-to-file-complaint-8970419/

Tripathi, S. 2019. Cyber-crime and Cyber Security: An Overview. Ipleaders Blog.

Weblinks

https://pib.gov.in/Pressreleaseshare.aspx?PRID=1579226

https://www.meity.gov.in/content/cyber-laws

http://efaidnbmnnnibpcajpcglclefindmkaj/https:/www.homesciencejournal.com/archives/2020/vol6issue3/PartE/6-3-61-191.pdf

https://blog.ipleaders.in/cyber-crime-and-cyber-security-an-overview/#Relation_between_Cyber_Crime_and_Cyber_Security

http://www.proind.in/blog/cyber-laws-in-india-and-information technology-act-all-you-need-to-know/

THEME 11

INTERNATIONAL CONVENTION ON HUMAN RIGHTS, CHILD RIGHTS AND EQUALITY



INTERNATIONAL CONVENTION ON HUMAN RIGHTS, CHILD RIGHTS AND EQUALITY

Learning Outcomes

After going through this theme, you will be able to:

- Become aware of international conventions.
- Understand the focus on human rights, child rights and equality that is pivotal for students' holistic growth.
- Promote values of respect, awareness of rights and responsibilities, and contributing to a conscientious society.
- Discuss global agreements which aids and assist in building a sustainable socio-economic structure by enforcing crucial rights and obligations.
- Explain how the theme aligns with National Educational Policies (NEP) 2020 and fosters the achievement of Sustainable Development Goals (SDGs).

Rationale

The theme focuses on India's contribution to international laws especially in the Field of humanitarian laws, environment, conservation and protection, trade laws, and so on. It also discuss the relationship between international laws and Indian laws. Discussion on International Conventional is briefly focused upon and its relevance in contemporary times.

Description

Human rights are codified in conventions, which are international agreements or treaties between governments. When states ratify international treaties, they assume obligations under international law to protect, preserve, and implement human rights. Treaties therefore, establish a transparent framework and a level playing field for international relations.

Indian and International Laws

The ties of India's Constitution with international law dates back to the pre-independence days. Even during the British rule, India was the separate member of the League of Nations. It is also the founding-member of the United Nations (UN).

India's contribution to international law, especially in the field of humanitarian laws, environment conservation and protection, technology and trade laws cannot be overemphasised. At the same time, India has harmonised many of its domestic laws with international principles

and norms in order to fulfil its international commitments. Prominent in this exchange are human rights, environmental laws, the intellectual property laws, arbitration law, trade law, and space laws.

Relation Between International Law and Indian Law

The application of international law in the domestic sphere in India can be understood through the interpretations by the courts in its various decisions. India's approach to international law can be looked at from two perspectives—Indian law vis-a-vis treaties and the international customs. India follows the dualist theory of international law.

Therefore, international law principles and norms cannot be invoked in municipal courts without being expressly incorporated into the domestic law. The courts have held that in the light of the provisions of Article 51 and 253 of the Indian Constitution:

1. Article 51, "Promotion of international peace and security The State shall endeavour to:
   - promote international peace and security;
   - maintain just and honourable relations between nations;
   - foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and encourage settlement of international disputes by arbitration".
2. Article 253, "Legislation for giving effect to international agreements:

   Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries, or any decision made at any international conference, association or other body".

In the case of 'Kesavananda Bharati vs State of Kerala (1973)', Honorable Chief Justice Sikri said when there is a situation where the language of the municipal law is vague or contrary then the court must take the support of the parent international authority of that particular municipal law. This is because Article 253 of our Constitution gives exclusive power to our Parliament, to make laws for giving effect to any treaty, convention or agreement with any country or decisions made at any international conference.

Kesavananda Bharati, a saviour of Constitution

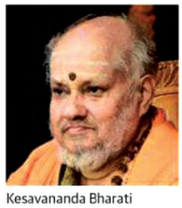
The seer's petition helped preserve the Basic Structure of the statute

KRISHNADAS RAJAGOPAL
NEW DELHI

Kesavananda Bharati Swamiji, who passed away on Sunday, was the sole unwitting petitioner in the historic Fundamental Rights case which prevented the nation from slipping into a totalitarian regime.

Though the judgment is a landmark case, he did not win any relief in the case. The amendments in the Kerala land reforms law, which he had challenged, were upheld by the Supreme Court in 1973.

It was senior advocate Nani Palkhivala, representing Swamiji, who extended the ambit of the case. Mr. Palkhivala saw an opportunity through Swamiji's case to challenge a series of constitutional amendments introduced by the Indira Gandhi



Kesavananda Bharati

government, granting unlimited power to Parliament to alter the Constitution.

"Courtroom Genius", a biography of Mr. Palkhivala co-authored by senior advocates Soli Sorabjee and Arvind Datar, said the seer never met or spoke with the great lawyer. In fact, the book said, Swamiji was quite surprised at the time to see his name in the newspapers every day and wondered why his case, challenging only certain land reforms in Kerala, was taking so long.

Unique case

By sheer statistics, leave alone the law it laid down, the "Kesavananda Bharati versus State of Kerala" case is unique. The case was heard by a Bench of 13 judges – the largest formed in the Supreme Court. It was heard over 68 working days from October 1972 to March 1973. The judgment was a mammoth 703 pages.

The Kesavananda Bharati judgment innovated the Basic Structure doctrine which limited Parliament's power to make drastic amendments that may affect the core values enshrined in the Constitution, like secularism and federalism.

The verdict upheld the power of the Supreme Court to judicially review laws of Parliament. It evolved the concept of separation of powers among the three branches of governance – legislative, executive and the judiciary. But democracy won that day on a wafer-thin 7:6 majority. The judges were split down the middle until the 13th judge, Justice H.R. Khanna, supported the view that constitutional amendments should not alter the "basic structure" of the Constitution.

The Emergency was proclaimed shortly after the judgment was delivered on April 24, 1973.

The Kesavananda Bharati judgment proved timely and thwarted many an attempt on democracy and dignity of individual during those dark years.

Source: https://edukemy.com/current-affairs/daily-current-affairs/ india

Principles to be followed when applying international laws in the domestic sphere:

1. The treaty to which India is an assenting party should be implemented in good faith, but at the same time, the executive cannot be directed to follow the treaty in absence of a domestic law. Paradoxically treaties are considered self-executing, that is, they apply in the municipal sphere automatically, except where it requires an amendment to the Constitution or an existing law, or where a new law is required to be enacted. Therefore, the Courts can take aid of the treaty principles not inconsistent with the provisions of laws in India.
2. Customary international law, on the other hand, is not considered to become a part of municipal law automatically. Therefore, where there is a conflict between municipal law and customary international law, the former will prevail.
3. Although Article 51 mandates respect for international law, it is not an enforceable article. Article 253 confers exclusive power on the Parliament with respect to international affairs. But the Constitution contains no express provision, settling the relation and status of international law in the

Indian courts. This 'silence' has given the flexibility to courts to implement international law in a progressive and measured manner.

4. Nevertheless, the courts have played an active role in the implementation of India's international obligations and have taken cognizance of both treaty as well as customary principles of international law, in cases involving violations of human rights or questions of environmental law.

S. No.	International Laws	Provisions in the Constitution of India and Domestic Legislation or Policy Measures in Consonance with International Laws
1.	**Human Rights Laws:** Universal Declaration of Human Rights (UDHR), 1946	The Fundamental Rights in Part III and the positive mandates to the State in the form of Directive Principles in Part IV of the Indian Constitution.
	Article 29(1) of the Universal Declaration of Human Rights	Article 51A of the Indian Constitution emphasises the duties owed by individuals to the community at large.
2.	**Respect for International Laws (International Peace and Security, and International Relations):** ▪ The Declaration of Havana adopted on 30 November 1939 ▪ The UN Charter	Article 51 mandates the State to endeavour, and to promote international peace and security, to maintain good relations with other nations, to respect international law and to settle international dispute by peaceful means.
3.	**Environmental Laws: The Stockholm Conference, 1972 (also known as the First Earth Summit, created a global concern for the protection and conservation of environment):** ▪ The Earth Summit, Brazil, 1992 ▪ World Summit, Johannesberg, 2002 ▪ The Kyoto Protocol	India enacted the: ▪ Water (Prevention and Control of Pollution) Act, 1974 ▪ Air (Prevention and Control of Pollution) Act, 1981 ▪ The Environment (Protection) Act, 1986
4.	**Trade Laws:** World Trade Organisation (WTO), includes two important aspects of trade: ▪ The General Agreement on Trade in Services (GATS), ▪ The Trade Related aspects of Intellectual Property Rights (TRIPS)	▪ Foreign Trade (Development and Regulation) Act, 1992 ▪ Special Economic Zones Act, 2005 and the range of amendments to Intellectual Property Rights (IPR) laws in India and the opening of the Indian service sectors to foreign players.

5.	**Intellectual Property Laws:** World Intellectual Property Organisation (WIPO)	▪ The Patent Act, 1970 ▪ The Copyright Act, 1957 ▪ The Trademarks Act, 1999 ▪ Designs Act, 2000
6.	**Arbitration Laws:** Model Law on International Commercial Arbitration, 1985 and the Conciliation Rules, 1980 adopted by the United Nations Commission on the International Trade Law.	Arbitration and Conciliation Act, 1996
7.	**Cyber Laws:** United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce (E-Commerce)	Information Technology Act, 2000
8.	**Child Rights:** The United Nations General Assembly adopted the United Nations Declaration of the Rights of the Child (1959) which enunciated ten principles for the protection of children's rights, including the universality of rights, the right to special protection, and the right to protection from discrimination among other rights. ▪ The UN Convention on the Rights of the Child (UNCRC), 1989 ▪ Significant features of the UN Convention on the Rights of the Child (CRC) ▪ Applies equally to both girls and boys up to the age of 18, even if they are married or already have children of their own ▪ The convention is guided by the principles of 'Best Interest of the Child' and ▪ Non-discrimination and respect for views of the child. ▪ It emphasises the importance of the family and the need to create an environment that is conducive to the healthy growth and development of children.	Constitution of India ▪ Article 24: No child below the age of 14 shall be employed to work in any factory or mine, or engage in any hazardous employment. ▪ Article 21A: Makes free and compulsory education a Fundamental Right for all children of the age of 6–14 years. ▪ Article 23: Prohibition of traffic in human being and forced labour. ▪ Article 39(e): Principle or policy to be followed by states towards securing health and strength of workers, men and women, and children of tender age are not to be abused. ▪ Article 39(f): Children are given an opportunity to develop in a healthy manner. ▪ The Child Labour Prohibition and Regulation Amendment Act, 2016 (CLPRA). ▪ The Juvenile Justice (Care and Protection) Act (2000, amended in 2015). ▪ The Prohibition of Child Marriage Act, 2006. ▪ The Protection of Children from Sexual Offences Act, 2012.

	▪ It obligates the State to respect and ensure that children get a fair and equitable deal in the society.	▪ Rights of Persons with Disabilities Act, 2016 ▪ The National Food Security Act, 2013 (concerning children below 14 years).
9.	**Women's Rights:** The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979	▪ Articles 12, 14, 15 and 16 of the Constitution. ▪ Protection of Human Rights Act, 1993. ▪ National Commission for Women Act, 1990. ▪ Indecent Representation of Women (Prohibition) Act, 1989. ▪ Equal Remuneration Act (ERA), 1976. ▪ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (POSH), 2013.

In the landmark case of 'Vishaka vs the State of Rajasthan (1997)', the Supreme Court of India while drafting the guidelines on sexual harassment of women at the workplace referred to many international conventions and norms which were relevant for the purpose of guaranteeing gender equality, right to work with dignity and the adherence to Article 14, 15, 19(1)(g) and 21 of the constitution.

Imparting legal education to children contributes to their overall personality development, confidence and a sense of security. Students will learn the value of respect, rights and duties through this module, encouraging them to live by these principles. Self-conscious students and citizens tend to be more appreciative of others' rights, as well as more aware of and protective of their socio-political environment and rights.

A peaceful, healthy and sustainable socio-economic system becomes possible through basic awareness and knowledge of international agreements applicable to signatory countries. International agreements govern and guide a diverse range of people and are applicable to all countries that have signed or ratified them.

This curriculum was developed through a combination of qualitative research and literature review. Efforts have been made to create a welcoming, engaging, and informative module for instructors, students and parents, using straightforward language and factual content.

Furthermore, this module aligns with the goals of the NEP, 2020 and contributes to achieving the SDGs. It covers global agendas and well-crafted treaties that can be implemented at local, national and regional levels across diverse cultural contexts. Providing children with legal education contributes to their comprehensive personal development. Therefore, it is essential for all citizens to possess a foundational understanding of this subject.



Fig. 11.1: United Nations—Sustainable Development Goals

Source: https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/child-friendly/a-safer-world-for-children-with-sdgs-final-eng.pdf

International Conventions

What do We Understand by International Conventions?

An international convention is a formal agreement outlining the rights and obligations of two or more states in a specific area. These conventions are considered 'hard law', representing a set of rules and regulations that have been developed and accepted, with the explicit consent of the states or parties that will be bound by them.

States must ratify a treaty before they become parties to it. This means that once a treaty has been negotiated, written and signed, it must be formally accepted through a process known as ratification (or accession or succession). Ratification signifies the agreement of the relevant national authorities.

What is the Relevance of International Conventions in Protection of Our Rights?

When states ratify international treaties and become parties to these agreements, they assume responsibilities and obligations under international law to respect, preserve and uphold human rights. Under the commitment to respect,

the states are prohibited from obstructing or restricting the exercise of human rights. Additionally, under the commitment to protect, states are required to safeguard individuals and groups from human rights violations. To fulfill their commitment, the states must also act in a manner that promotes the enjoyment of fundamental human rights.

What is the Process of Acceptance and Execution of any Foreign Convention in India?

The Vienna Convention on the Law of Treaties, 1969, is the body of international law that regulates treaty law and practice. India abides by the convention's provisions even though it is not a party to it.

According to the Indian Constitutional scheme, making of international treaties is an executive act. A treaty is concluded with the approval of Union Cabinet. It is not placed before the Parliament for discussion and approval. However, where the performance of treaty obligations entails, alteration of the existing domestic law requires new enactment, that would accordingly require legislative action.

The concerned administrative Ministry submits the Cabinet Note, with approval and three copies of the signed treaty. The instrument of ratification is prepared by the Legal and Treaties Division of Ministry of External Affairs (MEA) and processed for signature of the President. In case of a bilateral treaty, it becomes effective on the exchange of instruments of ratification. In case of a multilateral treaty, the instrument of ratification is to be deposited with the depository to the treaty.

Governments commit to enacting domestic policies and laws that are consistent with their commitments and responsibilities under international human rights treaties by ratifying those accords.

Did you know?

There's an international treaty known as the Antarctic Treaty System, which designates Antarctica as a scientific preserve and bans military activity on the continent.

Did you know?

International conventions can cover a wide range of topics beyond human rights such as environmental protection, trade agreements and cultural heritage preservation.

List down components of international conventions

_____

_____

_____

What is meant by the following in the terms of international convention?

- Conference _____
- Convention _____
- Protocol _____

Convention on the Elimination of All Forms of Discrimination Against Women

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

CEDAW is frequently referred to be a global charter of rights for women. It defines what constitutes discrimination against women and lays out a plan for national action to abolish it. It consists of a preamble and 30 articles.

Under Article 1 of CEDAW, 'discrimination against women' is explained as any distinction, exclusion or restriction based on sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, regardless of marital status, on the basis of equality of men and women of human rights and fundamental freedoms to the political, economic, social, cultural, civil or any other field.

The convention lays the groundwork for achieving gender parity by guaranteeing women's equal access to and opportunities in political and public life, including the ability to vote and to run for office as well as in areas like education, health and employment. States' parties concur to implement all necessary steps, including legislation and short-term exceptional measures, to ensure that women can fully exercise their fundamental rights and freedom.

By accepting the convention, states commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, and abolish all discriminatory laws and adopt appropriate ones that prohibit discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organisations or enterprises.

The Convention is the only human rights treaty which affirms the reproductive rights of women and targets the culture and tradition as influential forces in shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States' parties also agree to take appropriate measures against all forms of traffic in women and the exploitation of women.

India ratified CEDAW in 1993 and later enacted the POSH Act in 2013 to implement the provisions under CEDAW.

Did you know?

The global charter of rights for women has been ratified by almost every country in the world. This means that nations across the globe have made a commitment to end the discrimination against women and promoting gender equality.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (PoSH)

Vishaka and Ors. vs. State of Rajasthan and Ors.

Bhanwari Devi, a social worker with the Rajasthan Government's Women's Development Project, was gang-raped by five men in 1992 when she attempted to prevent the marriage of a one-year-old girl. While hearing petitions filed by activist groups against the crime, the Hon'ble Supreme Court in this case, "enacted to provide for effective enforcement of the basic human right of gender equality" guaranteed that, against "sexual harassment at workplaces", established a set of guidelines in 1997, also know as *Vishakha* Guidelines, to fill the statutory vacuum until a law could be enacted.

The Court drew strength from several Constitutional provisions, including Article 15 (against discrimination based solely on religion, race, caste, gender or place of birth), as well as relevant international conventions and norms, such as the General Recommendations of the CEDAW, which India ratified in 1993.

Following this, Protection of Women Against Sexual Harassment at Workplace Bill was introduced in 2007. It was later introduced in Parliament and subjected to changes. The modified bill became the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act on 9 December, 2013.

The law requires any employer with more than ten employees to form an Internal Complaints Committee (ICC) which can be approached by any woman employee to file a formal sexual harassment complaint. It must be headed by a woman, have at least two women and employees, and another employee to pre-empt any undue pressure from senior levels, and to include a third party such as an NGO worker with five years of experience, familiar with the challenges of sexual harassment.

Furthermore, the act requires every district in the country to establish a Local Committee (LC) to receive complaints from women working in enterprises with less than ten employees and from the informal sector which includes domestic workers, home-based workers, voluntary government social workers and others. These two committees must undertake investigations in accordance with the POSH Act and the 'principles of natural justice' outlined in the act's rules.

Within three to six months of the sexual harassment occurrence, a woman may file a written complaint with the internal or local complaints committee. The committee can

Did you know?

In India, the *Vishakha* Guidelines and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act were established to combat sexual harassment. These legal measures emerged because of the lack of specific laws addressing gender equality and workplace harassment, showing how laws can evolve to address important issues.

Did you know?

The Protection of Rights of Transgender Persons Act, 2019, recognised transgender individuals as the third gender and extended the scope of the Sexual Harassment Act to protect trans women at workplaces. This move highlights the importance of inclusivity and equal rights for all, regardless of gender identity.

address the issue in two ways — 'through conciliation' between the complainant and the responder (which cannot be a cash settlement) or the committee can launch an investigation and take necessary action based on its findings.

The employer must file an annual audit report with the district officer about the number of sexual harassment complaints filed and actions taken at the end of the year. It also makes the employer duty-bound to organise regular workshops and awareness programmes to educate employees about the act, and conduct orientation and programmes for the ICC members. If the employer fails to constitute an ICC or does not abide by any other provision, they must pay a fine of up to ₹50,000 which increases for a repeat offence.

The scope of this act has also expanded over time. Now, a trans woman can also file a complaint of sexual harassment at workplace. This was the result of the recognition of transgender as the third gender through the Transgender Persons (Protection of Rights) Act, 2019.

Quiz

What does CEDAW stand for and what is its primary purpose?

1. Convention on the elimination of all forms of discrimination against workers, promoting labor rights.
2. Convention on the elimination of all forms of discrimination against women, promoting gender equality.
3. Convention on the elimination of all forms of discrimination against wildlife, protecting endangered species.

What is the significance of the PoSH Act in India?

1. It regulates the sale of cosmetics and hygiene products.
2. It ensures safe working environments for women and addresses workplace sexual harassment.
3. It establishes guidelines for women's participation in sports and athletics.

In what year did India ratify CEDAW and what important legislation followed this ratification?

1. India ratified CEDAW in 2001, leading to the passing of the Women's Reservation Bill.
2. India ratified CEDAW in 1993, leading to the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (PoSH Act).
3. India ratified CEDAW in 2000, leading to the introduction of Equal Pay for Equal Work Act.

Child Rights

Definition of a child under UN convention and Indian laws

Definition of a child varies among international and the Indian legislations. According to the UN Convention on the Rights of the Child (1989), a child is defined as every human being below the age of 18 years, unless the applicable law establishes majority earlier. In contrast, various Indian laws set different age limits to define a child, emphasising the need for consistency in legal definitions across different statutes and regulations.

Convention on the Rights of the Child, 1989	Article 1: Child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.
The Child Labour (Protection and Regulation) Act, 1986	Section 2(ii): Child means a person who has not completed his fourteenth year of age.
The Plantations Labour Act, 1951	Section 2(c): Child means a person who has not completed his fifteenth year.
The Motor Transport Workers Act, 1961	Child means a person who has not completed his fifteenth year.
The Beedi and Cigar Workers (Conditions of Employment) Act, 1966	Section 2(b): Child means a person who has not completed 14 years of age.
The Prohibitions of Child Marriage Act, 2006	Child means a person who, if a male, has not completed twenty 21 years of age and if a female, has not completed 18 years of age.
The Juvenile Justice (Care and Protection of Children) Act, 2015	Child means a person who has not completed 18 years of age.
The Protection of Children from Sexual Offences Act, 2012	Section 2(d): Child means any person below the age of eighteen years.

Elements of Child Protection

UNICEF considers child protection as the prevention of or responding to the incidence of abuse, exploitation, violence and neglect of children. This includes commercial sexual exploitation, trafficking, child labour and harmful traditional practices such as female genital mutilation or cutting and child marriage. Protection also allows children to have access to their other rights of survival, development, growth and participation. UNICEF maintains that when child protection fails or is absent, children have a higher risk of death, poor physical and mental health, HIV or AIDS infection, educational problems, displacement, homelessness, vagrancy and poor parenting skills later in life.

Key Components of Child Rights Under United Nations

Convention on the Rights of the Child, 1989 (ratified by India on 11 December 1992)

The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive, internationally binding agreement on the rights of children, adopted by the UN General Assembly in 1989. It incorporates children's civil and political rights (like their treatment under the law), social, economic and cultural rights (like an adequate standard of living), and protection rights (from abuse and exploitation). A child is defined in the UNCRC as a person under the age of 18 years. The rights provided under this convention maybe summarised into four parts, namely, the survival rights, development rights, participation rights and the protection rights.

Did you know?

Did you know that in today's digital age, child rights also extend to online safety? Laws and regulations are being developed to protect children from online risks, including cyber bullying and exposure to inappropriate content. It is important for children to be aware of safe online practices.

International Institution for Protection of Child Rights

The United Nations Children's Fund (UNICEF) was originally known as the United Nations International Children's Emergency Fund. In 1950, UNICEF's mandate was extended to address the long-term needs of children and women in developing countries everywhere. In 1953, it became a permanent part of the United Nations system, and the words 'international' and 'emergency' were dropped from the organisation's name.

From the focus on education of the United Nations Educational Scientific and Cultural Organisation (UNESCO), to the efforts of the International Labour Organisation (ILO) to abolish child labor, to the Children and Youth Programme of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to the nutritional work for mothers and young children provided by the World Food Programme (WFP), to disease eradication campaigns by the World Health Organisation (WHO), the UN system is there for children. The Special Representative of the Secretary-General for children and armed conflict serves as the leading UN advocate for the protection and well-being of children affected by the armed conflict.

Laws for Child Rights Protection in India

Constitution of India, 1950

- Article 15(3) provides that nothing in this article shall prevent the State from making any special provision for women and children.

- Article 21A provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
- Article 23(1) provides that trafficking in human beings and beggary and other similar forms of forced labour are prohibited, and any contravention of this provision shall be an offence punishable in accordance with the law.
- Article 24 provides that no child below the age of fourteen years shall be employed to work in any factory or mine, or engaged in any other hazardous employment.
- Article 39(e) provides that the state shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- Article 39(f) provides that the state shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner, and in conditions of freedom and dignity and that childhood and youth are protected against exploitation, and against moral and material abandonment.
- Article 45 provides that the state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
- Article 47 provides that the state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.
- Article 51A(k) provides that it shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or as the case may be, ward between the age of six and fourteen years.

The Child Marriage Restraint Act, 1929

This act, as revised in 1979, prohibits child marriages by establishing a minimum age for both boys and girls. No matter their religion, all communities must abide by this legislation.

The Child Labour (Prohibition and Regulation) Act, 1986

This act prohibits the engagement of children in certain employment and regulates the conditions of work of children in other employment.

Did you know?

India has taken measures to prevent child labour through the Child Labour (Prohibition and Regulation) Act, but it remains a global challenge. Children worldwide are often involved in hazardous work. Awareness and advocacy are essential to eliminating child labor and ensuring children can enjoy their rights to education and a safe childhood, to protect children from online risks, including cyber bullying and exposure to inappropriate content. It is important for children to be aware of safe online practices.

Did you know?

Special courts for children are part of the Protection of Children from Sexual Offenses Act. These courts aim to create a comfortable environment for children involved in legal cases, making it easier for them to share their experiences without fear.

The Juvenile Justice (Care and Protection of Children) Act, 2000

This act deals with law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children, and for their ultimate rehabilitation through various institutions established under the act.

Right to Education Act, 2009

Under the umbrella of the act, the people are bound to provide free and necessary training to all offspring of India falling in the year of 6 to 14 age group.

Protection of Children from Sexual Offenses Act, 2012 (POCSO)

The act aims to protect children from sexual predators.It prescribes serious punishments for people indulging child pornography, rape and harassment. Under the act, relief in such cases is sought under special courts away from the generic judicial hierarchy.

Policies for protection and care of children:

1. National Policy for Children, 1974
2. National Policy on Education, 1986
3. National Policy on Child Labour, 1987
4. National Health Policy ,2002

Institution for Protection of Child Rights in India

National Commission for Protection of Child Rights (NCPCR)

NCPCR was established in March 2007 under an act of Parliament (December 2005), and under the Commission for Protection of Child Rights Act, 2005. The commission's mandate is to ensure that all laws, policies, programmes and administrative systems conform to the vision of the rights of the child as enunciated in the Constitution of India as well as the United Nations Convention on the Rights of the Child. A child is defined as a person falling in the age group of infant to 18 years. The commission envisages a rights-based perspective, which flows into national policies and programmes, including defined responses at the state, district and block levels, taking into account the specifics and strengths of each region.

Child Welfare Committee—As per the Section 27 of the Juvenile Justice (Care and Protection of Children) Act—2015

The State Government shall by notification in the Official Gazette constitute for every district, one or more Child Welfare Committees, for exercising the powers and to discharge the duties conferred on such committees in relation to children in need of care and protection under this act, and ensure that induction training and sensitisation of all members of the Committee is provided within two months from the date of notification.

Juvenile Justice Board

Section 4 of the Juvenile Justice Act, 2015 deals with Juvenile Justice Board. It states that, the State Government shall constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with the law under this act.

One Stop Centre and its Services

Ministry of Women and Child Development (MWCD), Government of India has formulated a centrally sponsored scheme for setting up of a Sakhi—One Stop Centre in each district. It is 100 per cent funded by Government of India for union territories. These centres will be established across the country to provide integrated support and assistance under one roof to women affected by violence, both in private and public spaces under monitoring jurisdiction of DMs or DCs. The objective of Sakhi—One Stop Centre in each district is to provide five essential facilities to the aggrieved woman or women affected by violence, i.e, psycho-social counselling, legal assistance, police facilitation, medical care, and temporary shelter under one roof.

Important Court Cases

In the case of 'M.C. Mehta vs. State of Tamil Nadu & Ors', the Hon'ble Supreme Court issued a landmark ruling that the Indian Constitution (Article 24) requires the State to endeavor to provide a free, compulsory education for children. The court found that children under the age of 14 could not be engaged in hazardous employment, and ordered the Government to establish and maintain a child labour rehabilitation welfare fund.

Discussions

1. Should children have separate rights (apart from human rights) and why?
2. What more do you think should be included within the child rights laws for protection?

Human Rights

What are Human Rights?

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

Why is it Important for Countries to Respect and Grant such Rights to its Citizens?

Rights are not just norms; they are also citizen demands for the distribution of societal resources. People are given authority by the idea of human rights, which informs them that they are entitled to respect all sectors of society including the government and the workplace.

International Treaties on Human Rights Ratified by India

Treaty	Date of Ratification
Convention on the Prevention and Punishment of the Crime of Genocide	29 November 1949
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	9 January 1953
Convention Concerning Forced or Compulsory Labour	30 November 1954
CCPR: International Covenant on Civil and Political Rights	10 April 1979
CERD: International Convention on the Elimination of All Forms of Racial Discrimination	03 December 1968
CESCR: International Covenant on Economic, Social and Cultural Rights	10 April 1979
Abolition of Forced Labour Convention	18 May 2000
CRC-OP-AC: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	30 November 2005
CRC-OP-SC: Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	16 August 2005
CRPD: Convention on the Rights of Persons with Disabilities	01 October 2007
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime Preamble, Supplementing the United Nations Convention against Transnational Organised Crime	5 May 2011
United Nations Convention against Transnational Organised Crime	5 May 2011

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. The UDHR, together with the International Covenant on Civil and Political Rights, and its two optional protocols (on the complaints procedure and on the death penalty) and the International Covenant on Economic, Social and Cultural Rights and its optional protocol, form the so called International Bill of Human Rights.

Which Agencies are Working for Protection of Human Rights at Global Level?

International human rights law lays down the obligations of governments to act in certain ways or to refrain from certain acts, to promote and protect human rights and fundamental freedoms of individuals or groups.

The Human Rights Council, established on 15 March 2006 by the General Assembly and reporting directly to it, replaced the 60-year-old UN Commission on Human Rights as the key UN inter-governmental body responsible for human rights. The Office of the High Commissioner for Human Rights (OHCHR) is the focal point for United Nations human rights activities. It serves as the secretariat for the Human Rights Council, the treaty bodies (expert committees that monitor treaty compliance) and other UN human rights organs. It also undertakes human rights field activities.

A complaint can be submitted against any of the 193 member states, whether or not the country has ratified any particular treaty or made reservations under a particular instrument.

Did you know?

10 December is celebrated as the World Human Rights Day.

Human Rights Laws and Institutions in India

What is the Definition of Human Rights as per the Indian Laws?

'Human rights' means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

Does Constitution of India protect human rights of the people?

- Article 14: Equality before law
- Article 15: Prohibition of discrimination on grounds ofreligion, race, caste, sex or place of birth.
- Article 16: Equality of opportunity in matters of public employment.
- Article 19: Protection of certain rights regarding freedom of speech, etc.
- Article 21: Protection of life and personal liberty.

Did you know?

Did you know that the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in 1948? It is a fundamental document that sets out the basic principles of human rights. Even though it's not legally binding, it has inspired many human rights laws and treaties worldwide.

- Article 22: Protection against arrest and detention in certain cases.
- Article 23: Prohibition of traffic in human beings and forced labour.
- Article 24: Prohibition of employment of children in factories, etc.
- Article 25: Freedom of conscience and free profession, practice and propagation of religion.

Did you know?

In addition to governments, non-governmentalorganisations (NGOs) and civil society play a crucial role in promoting and protecting human rights. They advocate for change, monitor human rights abuses, and provide assistance to those whose rights are at risk.

Court Cases

In the case of 'Bandhua Mukti Morcha vs. Union of India (1984) 3 SCC 161', it is held that Article 21 guarantees right to life, meaning not only animal existence but life with human dignity.

Which Laws are Enacted for Protection of Human Rights?

- Protection of Human Rights Act, 1993
- The Untouchability (Offences) Act, 1955
- Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

Government Organisations Administering human rights

Since violations of human rights affect many facets of life, the Government of India as well as the State Governments, has several Ministries that play a crucial role in safeguarding citizens' human rights by enacting new laws, policies and action plans by constructing infrastructure and offering financial support. Some of the Ministries are—Ministry of Home Affairs, Ministry of Health and Family Welfare, Ministry of Women and Child Development, Ministry of Law and justice, Ministry of Minority Affairs, etc.

Human rights education: Human rights education is an essential part of promoting and protecting human rights. It helps individuals understand their rights, learn about discrimination and become active participants in upholding human rights. Many schools and organisations provide human rights education programmes.

Youth as human rights advocates: Young people have been at the forefront of human rights movements around the world. Many youth-led initiatives work to raise awareness about issues such as climate change, gender equality and social justice, emphasising the vital role of the youth in shaping a more rights-respecting world.

Judicial or Quasi-judicial Institutions for Human Rights Justice

- Supreme Court (under Writ petitions, PIL, Letter petitions)
- High Court
- National Human Rights Commission
- State Human Rights Commission
- National Commission for Minorities
- National Commission for SC or ST
- National Commission for Women

Activities

With the help of your teachers:

1. Organise an awareness campaign for protection of children from anti-social elements.
2. Draft a hypothetical complaint for State or National Human Rights Commission regarding any violation you have seen in your locality, read in the news, or heard from your teachers or parents.

With the changing scope of the concept of sovereignty, international law is covering more spheres of law even at the domestic level. The world is moving towards a world community, especially fortified by the rapid development of technology, and the consequent globalisation and interdependence. The cooperation of the nation-states in order to maximise the benefits for all combined with the drive to develop, has led to the increasing influence of international law. The increasing global interdependence is unavoidable and compliance with the international becomes necessary for both in national and international interest. The constitution is considered to be the supreme law of the land. Hence while analysing India's commitment to the international law, the constitution is a document that provides us India's standpoint and approach to the growing field of international law.

Teacher's Note

Discourage showing any pictures or videos of physical, or verbal abuse to children (in reference to human rights violation) as it may cause mental stress to them. It is suggestive to have discussions based on experiences from daily life that are common occurrence around them. For example, child beggars, child labours, gender inequality, etc.

Message for the Parents

Ensuring your children learns about international conventions, human rights and equality is more than academic enrichment. It cultivates their character, nurturing respect and a strong sense of responsibility. By supporting their education in these areas, you're empowering them to be conscientious individuals, contributing positively to their society. Encourage their engagement with this module, as it aligns with national goals, fostering a brighter future where they can advocate for fairness and equality. Your support in their learning journey is a key to shaping them into empathetic and proactive individuals.

References

Government of India. Crimes in India 2021, National Crime Record Bureau, https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1696831941CII21SNAPStates.pdf

———. 2023. Implementation of Pocso Act, Ministry of Women and Child Development. Press Information Bureau, Delhi. https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1945850#:~:text=Rule%2D9%20of%20the%20POCSO,the%20First%20Information%20Report%20(FIR)

National Institute of Public Cooperation and Child Development. Booklets for School Children to Generate Awareness on Child Sexual Abuse (CSA). https://www.nipccd.nic.in/file/reports/csa17.pdf

Save the Children. 2007. Study on Child Abuse: India 2007. https://resourcecentre.savethechildren.net/document/study-child-abuse-india-2007/

Telegana Today. 2021. Samskar Toys Help Educate Children on Good, Bad Touch. https://telanganatoday.com/samskar-toys-help-educate-children-on-good-bad-touch

The Times of India. 2022. Reputation First: Hyderabad Schools Take a Back Seat in Lodging Pocso Cases, Raw Wounds Don't Heal. https://timesofindia.indiatimes.com/city/hyderabad/reputation-first-hyderabad-schools-take-a-back-seat-in-lodging-pocso-cases-raw-wounds-dont-heal/articleshow/96096931.cms

United Nations. 2007. Legislative History of the Convention on the Rights of the Child. Office of the United Nations High Commissioner for Human Rights. I. United Nations New York and Geneva.

———. A Safer World for Children with Sustainable Development Goals, The Special Representative and the Team. https://violenceagainstchildren.un.org/sites/violenceagainstchildren.

un.org/files/documents/child_friendly/a_safer_world_for_children_with_sdgs_final_eng.pdf
———. Children. https://www.un.org/en/global-issues/children

Weblinks

https://data.unicef.org/how-many/how-many-children-under-18-are-there-in-india/
https://www.theorchidschool.org/Desk/Details/Lakshmi%27s%20Article%20About%20child%20sexual%20abuse%20in%20newspaper
https://www.ohchr.org/sites/default/files/Documents/Publications/LegislativeHistorycrc1en.pdf
https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article25&text=Motherhoodandchildhoodareentitled,enjoythesamesocialprotection.
https://www.unicef.org/child-rights-convention#learn.

THEME 12

DYNAMIC JURISPRUDENCE: NEW CRIMINAL LAWS



THE BHARTIYA NAGARIK SURAKSHA SANHITA, 2023

Imagine a world where women and girls can move freely without the fear of harassment or violence, importantly, where justice is not a distant dream but a timely reality; where social, economic, and political equity are the norms. What is needed is a beacon of hope, a promise of safety and a pathway to justice? Is there any law that can address these deep-rooted issues that have been the concern of our society for long? Have you read about any such law anywhere? Let us have the hope and confidence that such a law will address all the apprehensions regarding freedom, and security that every woman and girl deserves. Let us go through this module and actively engage in the activities given here to know more about the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023.

Learning Outcome

After going through this document, you will be able to:
Understand the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 and its salient features.

- Compare and contrast the Criminal Procedure Code of 1973 with the BNSS, 2023.
- Analyse the Sanhita from a gender sensitive perspective.
- Examine the procedural framework devoted to citizen safety and security.

Introduction

The Government of India had recently enacted the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023. This S*anhita* would facilitate in translating the commitment to justice, social, economic and political. Additionally, it would also facilitate in ensuring equality and fraternity to all the citizens of the country. This *Sanhita* would also help in promoting Fundamental Duties as mentioned in the Constitution of India. It would help in translating the spirit of common brotherhood amongst all the people of India, transcending religious, linguistic and regional or sectional diversities; renouncing practices derogatory to the dignity of women.

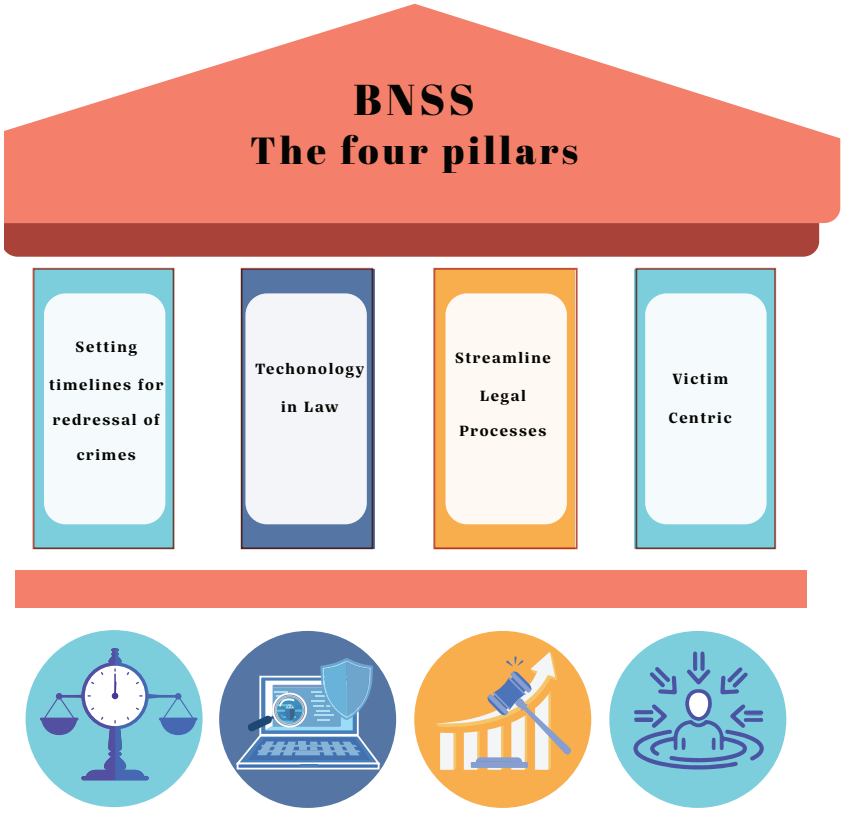


Fig. 12.1: What is new about the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023?

In the domain of jurisprudence, this is a major reform in the legal system in India. It mainly attempts to expedite and modernise the Indian Criminal Justice System, and make it more responsive to the contemporary needs of the society. This *Sanhita* is a historic step as it tries to undo the colonial legacy and make law preventive for mitigating all sorts of crimes committed in different spaces of social interactions, such as, family, public places and schools. The BNSS helps in the use of technology in criminal proceedings, strengthens victim centric protection and streamline the criminal procedures. This *Sanhita* seeks to safeguard the rights of accused, such as, presumption of innocence and right to legal representation. Further the BNSS focuses on compensation and rehabilitation through one stop crises centers, protection officers, counsellors, and shelters.

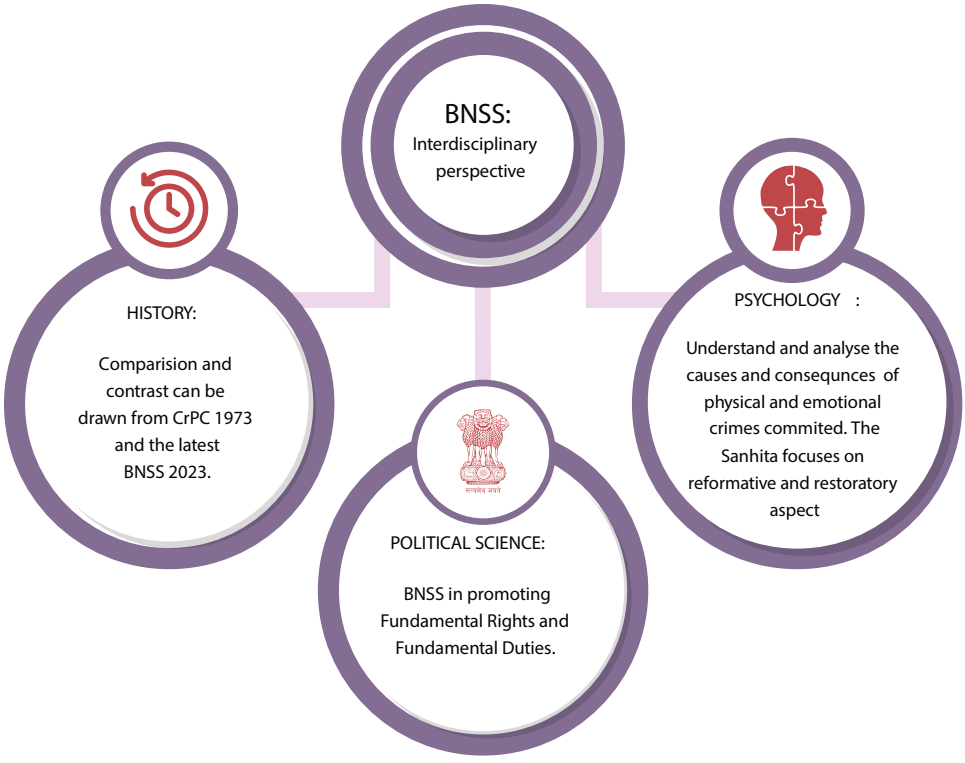


Fig. 12.2: BNSS from inter-disciplinary perspective

Evolution of BNSS, 2023

- The BNSS replaces the Criminal Procedure Code (CrPC), 1973.
- The CrPC was first passed in 1861 to address the problem of multiplicity of legal system in India. In 1973, the erstwhile Act was replaced by the existing CrPC and changes like, anticipatory bail, etc., were introduced. It was amended in 2005 to add changes, such as, provision for plea bargaining and rights of arrested persons. The 2013 amendment, driven by the Nirbhaya case, introduced stricter laws against sexual violence, expedited trial processes and enhanced victim protection measures. The 2018 amendment further strengthened these provisions by increasing penalties for sexual offences and incorporating more comprehensive measures for the protection of children, including the establishment of fast-track courts for such cases.
- The BNS is the main legislation on procedure for administration of substantive criminal laws in India.
- The BNSS mostly preserves the provisions of the CrPC, however, it aims to simplify the criminal procedure,

Did you know?

Cognisable offenses are serious crimes that allow the police to arrest without a warrant, whereas non-cognisable offenses are less severe and require a warrant for arrest.

Did you know?

Offences are categorised as bailable and non-bailable, determining whether the accused can be released on bail as a matter of right or at the court's discretion.

reduce trial duration, implement timelines for procedure, etc.

- It provides for separation of offences, i.e., cognizable and non-cognizable. Further, the nature of the offences, i.e., bailable and non-bailable.

Rationale

This *Sanhita* introduces processes that take into cognizance the interest of the citizens who due to diversity of circumstances are victims of crime that affects the physical and emotional well-being of individuals as stated in this important enactment. The reason for bringing out this *Sanhita* is to deliver timely justice that is not delayed or denied. In this regard, some important cases are being cited as a backdrop.

Did you know?

A case shall be deemed to be a cognizable case when it relates to two or more offences of which at least one is cognisable.

Key Features of BNSS

S. No.	BNSS	Key Features
1.	Detention of the under trial 	The BNSS adds that this provision will not apply in the following circumstances: (a) Offences punishable by life imprisonment. (b) Persons against whom proceedings are pending in more than one offence.
2.	Medical examination 	The BNSS provides that any police officer can request such an examination.
3.	Forensic investigation 	The BNSS mandates forensic investigation for offences punishable with at least 7 years of imprisonment. Forensic experts will visit crime scenes to collect forensic evidence and record the process on mobile phone or any other electronic device. If State does not have forensics facility, it will utilise such facility in another State.
4.	Signature and finger impressions 	The BNSS expands this to include finger impression and voice sample; it allows these samples to be collected from a person who has not been arrested.

5.	Witness protection 	Witnesses are crucial in delivering justice as they provide valuable information to the court. To ensure their safety and protect them from potential harm or intimidation, the BNSS has introduced a Witness Protection Scheme. State Governments have been given responsibility to draft and notify such a scheme.
6.	Designated police officer 	A police officer of at least Assistant Sub-Inspector rank will be assigned in each district and police station. Their responsibility will be to keep a record of the names, addresses and charges against all arrested individuals. This information will be prominently displayed, possibly digitally, in every police station and at the district headquarters.
7.	Definitions of audio-video electronic means and electronic communication 	In BNSS 2023, new definitions have been introduced to clarify certain terms. 'Audio-video electronic' now includes the use of any communication device for video conferencing, recording processes, such as, identification, search and seizure, or evidence, transmitting electronic communication, and other purposes as determined by State Government rules. 'Electronic communication' refers to the transmission or transfer of written, verbal, pictorial information, or video content through electronic devices like telephones, mobile phones, computers, audio-video players, cameras or any other specified electronic forms as notified by the Central Government.
8.	Trial and proceedings to be held in electronic mode 	BNSS enables all the legal proceedings to be conducted electronically. This includes issuing, serving, and executing summons and warrants, examining complainants and witnesses, recording evidence in inquiries and trials, and conducting appellate or other proceedings through electronic communication, or audio-video electronic means.
9.	Electronic serving of summons 	Under the BNSS 2023, summons can be served electronically, either in an encrypted format or through any other electronic communication method. The electronic summons must include the image of the Court's seal or a digital signature, ensuring their authenticity and legal validity.

10.	Victim-centric approach 	The victim-centric approach in the new laws places a strong emphasis on enhancing the efficiency, fairness, and accountability of the justice system. It acknowledges victims as essential stakeholders in criminal proceedings, granting them participatory rights and an expanded right to information. These reforms prioritise the needs and rights of victims, aiming to make them central figures in the criminal justice system with unprecedented rights and opportunities.

Important Procedures under BNSS

Information of an offence can be sent electronically

BNSS allows information about a cognisable offence (a serious crime that can be acted upon by the police without a warrant) to be sent electronically. Here's how it works:

- **Electronic Submission:** Information about a crime can be sent to police through electronic means (like call or a website).
- **Signature:** Where the information is sent electronically, it has to be signed within 3 days.
- **Copy of First Information Report (FIR):** After recording the information, the police will provide a free copy of FIR to informant or victim.
- **Special Cases for Women:** A woman police officer or any female officer must record the statement in cases of sexual offences.
- **Complaint about Police Refusal:** If a police officer refuses to register FIR, an application can be made to the Superintendent of Police or a Magistrate.

Did you know?

Police officers are required to produce an arrested person before a Magistrate within 24 hours to prevent unlawful detention.

Zero FIR

A Zero FIR is an FIR that can be filed at any police station, regardless of the location where the crime took place. It will then be transferred to the police station with jurisdiction over the area where the crime occurred. Upon receiving information about a serious crime, the police will immediately register a Zero FIR. This ensures that the investigation process can begin without delay.

Did you know?

Under BNSS, every person accused of an offence has the right to legal aid, ensuring that they have a fair trial.

Progress Report to the Victim

As per BNSS, victims have the right to be kept informed about the progress of their case. This includes receiving a progress report within 90 days from the date the FIR was registered.

Did you know?

Under BNSS, if the investigation is not completed within the prescribed time, the accused is entitled to bail.

This report contains updates on the investigations, any arrests made and other relevant developments pertaining to the case. Keeping victims informed is essential for maintaining transparency and ensuring their trust in the legal process.

Did you know?

BNSS requires that the identity of victims in sexual offence cases be protected to prevent stigmatisation.

Search and Seizure by Police

Under BNSS, when the police search or take something as evidence, they have to record it on video and take photos using a phone or camera. This is to make sure everything is done correctly and nothing is missed. The recordings and photos are then sent to the local magistrate for verification, and to ensure everything was done according to the law.

Rights of the Arrested Person

Did you know?

A woman cannot be arrested after sunset and before sunrise, except in exceptional circumstances.

BNSS expands the rights of the arrested person. The following rights have been provided in BNSS:

- When a police officer arrests someone, they must have an ID showing their name and rank.
- The person being arrested has the right to request for a lawyer.
- A woman should be arrested by a female police officer unless there are extreme circumstances.
- Handcuffs may be used during arrest for serious offenses or with habitual offenders.
- The arrested person must be told why they are being arrested and about their right to get bail if the offence allows it.
- The police must inform a relative or a person chosen by the arrested person about the arrest and where they are being held.
- The arrested person should be examined by a medical representative.
- If the arrested person is female, a female medical representative should do the examination.
- Anyone arrested without a warrant must be taken to the Magistrate within 24 hours.

Report of the Police Officer on Completion of Investigation (Chargesheet or Challan)

The police officer in charge of investigating a case must submit their investigation report within the specified time, ensuring no unnecessary delays. For offences against women under Bharatiya Nagarik Suraksha Sanhita 2023 or the Protection of Children from Sexual Offences Act 2012,

this investigation should be completed within 60 days from the date of recording the information. This report includes details of the investigation conducted, evidence collected, and is forwarded to the Officer-in-Charge of the police station. Additionally, a copy of the report is provided to the accused as a matter of right.

Did you know?

An anticipatory bail can be applied for if a person fears arrest, allowing them to avoid being taken into custody.

Institutional Arrangements for Criminal Justice

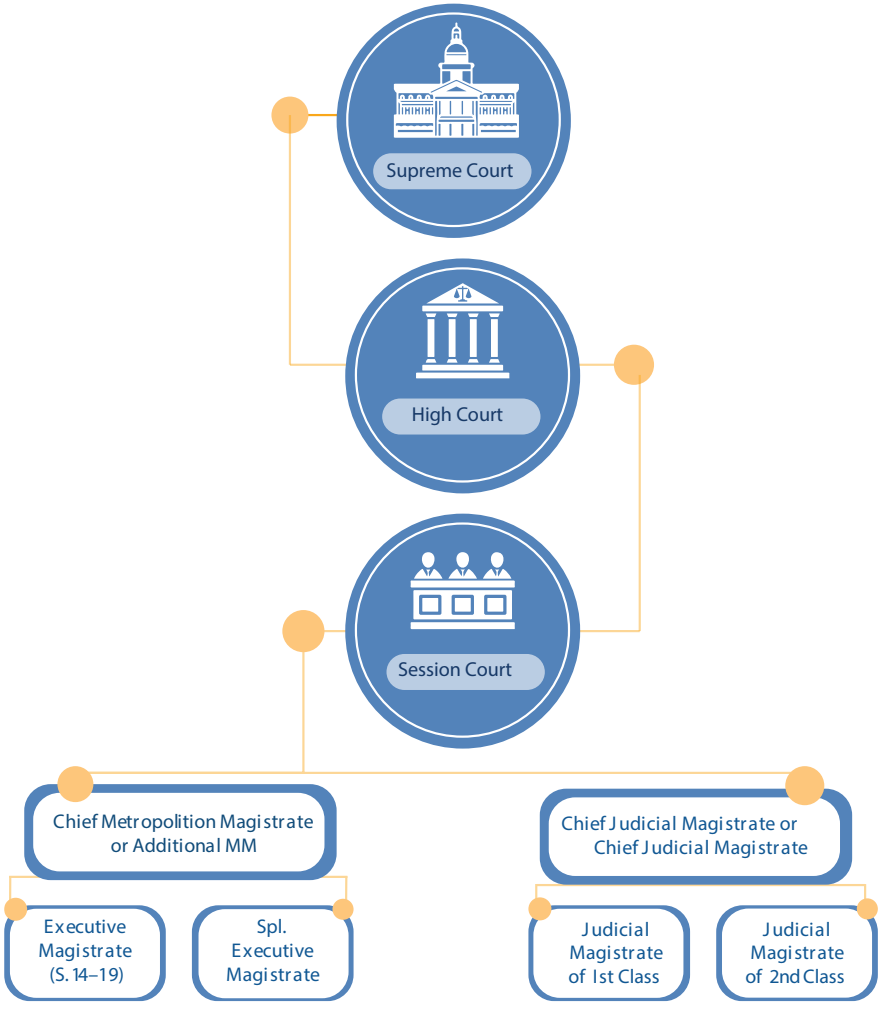


Fig. 12.3: Hierarchy of courts for the adjudication of criminal matters

Quiz

1. What is the primary objective of the BNSS, 2023?

a. To promote economic growth
b. To enhance security and safety of individuals
c. To improve education
d. To develop infrastructure

2. Which government body is responsible for implementing the BNSS, 2023?

a. Ministry of Education
b. Ministry of Health and family Welfare
c. Ministry of Law and Justice
d. Ministry of Defence

3. Under BNSS, what is the maximum period for which an accused can be held in police custody without a Magistrate's order?

a. 24 hours
b. 48 hours
c. 72 hours
d. 7 days

4. Who can file a complaint under BNSS?

a. Any person
b. Only police officers
c. Only government officials
d. Only the accused

5. Which law has been replaced by the BNSS, 2023?

a. The Indian Penal Code,1860
b. Code of Criminal Procedure (CrPC),1973
c. The Indian Evidence Act,1872
d. Immoral Traffic (prevention) Act,1956

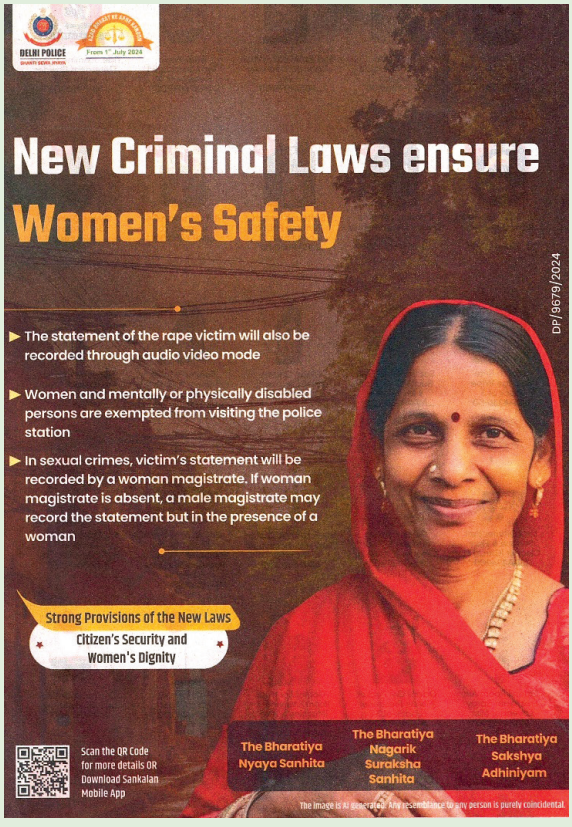
6. What is a 'summon'?

a. An order to appear in court
b. An order to pay a fine
c. An order to arrest
d. An order to seize property

Answer Key

1. b 2. c 3. a 4. a 5. b 6. a

The New Criminal Laws have made special provisions for ensuring safety and dignity of women some of which you may be reading as newspaper articles and as advertisements, such as, the one by the Delhi Police. An example is given below:



Source: Times of India, July 13th, 2024

After reading this newspaper item you may collect more information on:

(a) What are the other provisions made for women under the BNSS?

(b) You may write an essay of 1000 words on the process of filing e-FIR.

(c) Write a message on promoting awareness about the BNSS.

(d) Prepare a list of Do's and Don'ts for strengthening security of self and peers.

Crimes in India have also made policy makers address the existing laws and accordingly changes have been made to address the same and promote the right of all citizens with dignity and well-being. You may like to know one of the reasons why the *Sanhita* was a felt requirement to strengthen the democratic ethos where one's self and others are respected.

Activities

Case I

Excerpts: Offences Affecting the Human Body

A total of 11,58,815 cases of offences affecting the human body were registered which accounted for 32.5 per cent of total IPC crimes during 2022, out of which hurt (6,27,676 cases) accounted for maximum cases, i.e., 54.2 per cent, followed by cases of causing death by negligence (1,59,096 cases, 13.7 per cent) and cases of Kidnapping and Abduction (1,07,588 cases, 9.3 per cent).

The cases registered under offences against human body depict an increase of 5.3 per cent in 2022 over 2021 (11,00,425 cases) and the crime rate has increased from 80.5 in 2021 to 84.0 in 2022.

- **Activity:** You may prepare a write-up explaining the reasons for the rise in the crime rates.

Crime against Women

A total of 4,45,256 cases of crime against women were registered during 2022, showing an increase of 4.0 per cent over 2021 (4,28,278 cases).

Majority of cases under crime against women under IPC were registered under 'Cruelty by Husband or His Relatives' (31.4 per cent) followed by 'Kidnapping and Abduction of Women' (19.2 per cent), 'Assault on Women with Intent to Outrage Her Modesty' (18.7 per cent), and 'Rape' (7.1 per cent). The crime rate registered per lakh women population was 66.4 in 2022 in comparison to 64.5 in 2021.

- **Activity 1:** A project can be taken highlighting the crimes committed in different States and UTs along with the diagnostic factors.
- **Activity 2:** A script can be prepared for a short film on women role models who have faced challenges and have made a mark through their contributions.

Crime against Children

A total of 1,62,449 cases of crime against children were registered during 2022, showing an increase of 8.7 per cent over 2021 (1,49,404 cases). In terms of percentage, major crime heads under 'Crime Against Children' during 2021 were Kidnapping and Abduction (45.7 per cent) and Protection of Children from Sexual Offences Act, 2012 (39.7 per cent) including child rape. The crime rate registered per lakh children population was 36.6 in 2022 in comparison to 33.6 in 2021.

- **Activity:** You can prepare case studies of children from diverse backgrounds who have faced violence in their growing years. You can include children belonging to

SDGs, CWSN or Transgender. This information can be represented through charts, diagrams and any other creative form which you may like to choose.

Juveniles in Conflict with Law

A total of 30,555 cases have been registered against Juveniles during 2022, depicting decline of 2.0 per cent over 2021 (31,170 cases). The crime rate depicts a decline from 7.0 in 2021 to 6.9 in 2022.

A total of 37,780 juveniles were apprehended in 30,555 cases, out of which 33,261 juveniles were apprehended under cases of IPC and 4,519 juveniles were apprehended under cases of Special and Local Laws (SLL) during 2022.

Majority of juveniles in conflict with law apprehended under IPC and SLL crimes were in the age group of 16 years to 18 years [78.6 per cent (29,690 out of 37,780)], during 2022.

- **Activity:** You can prepare a detailed essay on juveniles in conflict with law and the legal mechanism that provide redressal mechanism to cover this important age group.

Economic Offences

A total of 1,93,385 cases were registered under economic offences, showing an increase of 11.1 per cent in registration over 2021 (1,74,013 cases). Out of three specified category of economic offences, viz., criminal breach of trust, Forgery, Cheating and Fraud (FCF) and counterfeiting, the FCF accounted for maximum of such cases, with 1,70,901 cases, followed by criminal breach of trust (21,814 cases) and counterfeiting (670 cases) during 2022.

- **Activity:** You can collect newspaper articles on economic offences that have happened in a months' time and analyse the same. A report can be prepared on the same.

Cybercrimes

A total of 65,893 cases were registered under cybercrimes, showing an increase of 24.4 per cent in registration over 2021 (52,974 cases). Crime rate under this category increased from 3.9 in 2021 to 4.8 in 2022. During 2022, 64.8 per cent of cybercrime cases registered were for the motive of fraud (42,710 out of 65,893 cases) followed by Extortion with 5.5 per cent (3,648 cases) and Sexual Exploitation with 5.2 per cent (3,434 cases).

- **Activity:** You can prepare a chart indicating the cybercrimes and its co verage in your neighbourhood and school. What measures are taken by your school and the government to address it?

Source: Crime in India, 2022; Statistics, Volume I; National Crime Records Bureau, Ministry of Home Affairs; Government of India, National Highway–48, Mahipalpur, New Delhi–110037.

Reflections

- Write a case study on BNSS, 2023 as a pillar for promoting the dignity of individuals.
- Prepare poster, charts, audio-video highlighting the important components of the *Sanhita*.

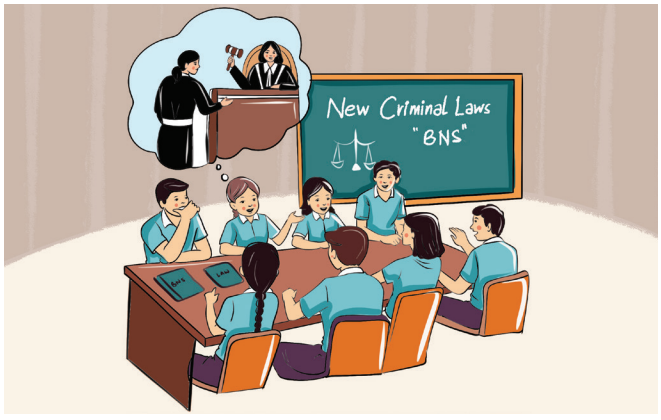


Fig. 12.4: The law and us

Message for the Parents

You may go through the BNSS, 2023 and update yourself on its difference from the colonial laws. You can share this information with your children and update them on it being victim-centric, technology-friendly and time-bound administration of justice to the aggrieved. You may focus on preventive measures, so that, we as parents can educate our children to be law-abiding citizens, and help in creating a congenial environment while interacting with peers and others. Children need to respect the fundamental rights of others and believe in consensus building, valuing each other's contribution, and so on.



References

National Council of Educational Research and Training. 2024. https://ncert.nic.in/pdf/module/New_Laws_2023/BNSS-2023E.pdf

The Gazette of India. 2023. The Bharatiya Nagarik Suraksha Sanhita, 2023, No.46 of 2023.

THE BHARTIYA NYAYA SANHITA, 2023

"No man should tolerate injustice, whether it be against himself or against another."

—Mahatma Jyotiba Phulea

Read the quote given above. What do you think of the above quote? You would be surprised to know that this was stated decades before globalisation, when such interconnectedness of nations, institutions and people did not exist. You would agree that this quote is a reminder to all of us to act responsibly when we witness injustice. To be not concerned and thinking that it does not affect us is not the correct way of dealing with injustice. For justice to prevail, not only our laws need to be aligned with the evolving modern scenario but all of us need to be aware about the duties, rights and the existing laws. You will now read in the module about the new criminal legislation which would help you become a responsible individual. As a citizen of this country, the appropriate knowledge of laws and justice system goes a long way in helping you to perform your duties, and be a law abiding person.

Learning Outcome

After going through this document, you will be able to:

- Discuss the latest criminal laws and jurisprudence.
- Explain the manner in which it seeks to achieve equal opportunity and social justice.
- Encourage readers to develop a constructive approach towards the Indian justice system.
- Recognise legal issues and make students aware of the channels of redressal.
- Interpret parameters given in the *Sanhita* with regard to protection of rights of self and others, and become an aware citizen engaged in promoting fundamental duties.
- Understand the different offences and their corresponding punishments.

Evolution of Criminal Laws in India

The Indian Penal Code (IPC) was drafted by the first Indian Law Commission, which included Neeleod, Adderson and Mellet* as members, and Lord Macaulay as its president. In addition

**https://www.allahabadhighcourt.in/event/admin_of_criminal_justice_in_india.html*

to the English, and Indian laws and regulations, they also referred to Napoleon's code and Livingstone's Louisiana code. After completing it in 1850, it was brought to the Legislative Council in 1856 and finally approved on 6 October, 1860. Thus, on 1 January 1862, the IPC came into force. The IPC is a codification of the country's criminal legislation. As the substantive law, it focuses exclusively on offenses.

A uniform Criminal Procedure Code (CPC) was passed in 1882. Thereafter, came the CPC of 1898 which remained operative till the present CPC (Code of Criminal Procedure 1973) was enacted. The CPC got the assent of the President of India on 25 January 1974 and it came into force on 1 April 1974.

Criminal Law Jurisprudence

Criminal law is essentially based on the principle that the State is duty bound to protect the rights of the citizens and provide a robust justice system. The adversarial common law system that India has adopted for the administration of criminal justice was given by the British colonial rulers. It is a cardinal principle of our criminal justice system that every person accused of a crime is presumed innocent unless and until the accused is proved guilty beyond reasonable doubt. The accused is likewise protected by the right to remain silent and is not required to respond. The criminal justice system exists to defend the innocent and punish the guilty.

By implementing appropriate preventive and punitive measures that also serve the purpose of preventing private retribution, which is crucial for maintaining peace, law, and order in society—the State fulfils its duty to safeguard citizens' life, liberty and property. Legislative acts that provide penalties for rights violations are passed. When these people rights are violated, it is the responsibility of the State to find the individual responsible, prosecute them fairly and if found guilty, punish them. Only when the procedural procedures used to enforce substantive penal laws are effective can they be considered effective.

Bharatiya Nyaya Sanhita, 2023



The Indian Penal Code, 1860, enacted by the British government, was recently succeeded by the Bharatiya Nyaya Sanhita (BNS), 2023, which received the assent of the Hon'ble President of India on 25 December 2023.

The BNS takes into account the evolving nature of criminal activity as well as the requirement for technology support needed at different stages of the investigation and

legal decision-making process. The protection of fundamental rights is highlighted by the new legislation, which follows a victim-centric approach. Encouraging police accountability, preserving people's rights and promoting transparency (such as, e-FIR adoption, and audio-video recording of searches and seizures) are some of the goals of the new legislation.

It upholds individual rights, promotes inclusivity, and embraces modern technologies to lay the foundation for a more just and equal society.

BNS inserts a few additional offenses to the list of crimes while keeping the pertinent sections of the IPC intact. It also increases the punishment for an array of heinous offenses and eliminates those that the Supreme Court had declared unconstitutional. In addition, legislators have created a new crime for actions endangering the sovereignty, unity, or integrity of India, as well as the addition of community service as a measure of punishment. Among other things, the BNS categorises criminal breach of trust, forgeries, financial scams, Ponzi schemes, mass marketing frauds, and cybercrimes as 'organised crime'. This is a significant development that will result in the heavy punishment of similar organised crimes in India.

Rationale

With an emphasis on the fusion of technology and forensic science, the new criminal laws seek to elevate the Indian legal system to the forefront of the legal systems worldwide. The recently enacted criminal statutes create procedures for making criminal justice organisations responsible, encouraging openness and impartiality. Critical subjects including electoral crimes, crime towards women and children, and tampering with official documents and currencies are also addressed.

Highlights of BNS

- BNS contains 358 sections, streamlining from 511 sections under the IPC.
- Several provisions for the same offences have been consolidated at one place in the BNS. For example, provisions for stolen property under Sections 410 to 414 of IPC have been streamlined under Section 317 of BNS.
- It has simplified the language used in the *Sanhita*, and removed the colonial language and references.

Did you know?

Previously, offences against women and children were sporadically located all over the IPC, but under the BNS 2023 it has all been consolidated in Chapter V.

- Gender has been defined as—the pronoun 'he' and its derivatives are used of any person, whether male, female or transgender. [Transgender shall be defined as per section 2(k) of the Transgender Persons (Protection of Rights) Act, 2019].
- Child has been defined as any person below 18 years of age.
- For the first time 'community service' has been included as part of punishment (under Section 4) along with death penalty, imprisonment for life (rigorous and simple), forfeiture of property and fine. At the same time, imprisonment terms and fines have been increased.
- Community service maybe granted in the situations where—public servant unlawfully engages in trade; person fails to appear before the court; person attempts to commit suicide with the intent to compel or restrain any public servant from discharging official duty; or value of property is less than ₹5000 in cases of theft; misconduct in a public place after intoxication; defamation.
- Section 69 of the BNS defines sexual intercourse by deception or a false promise to marry as rape. It will be punished by a fine, and simple or rigorous incarceration for a maximum of ten years.
- More strict actions with enhanced punishments have been introduced for sexual offences like rape, gang rape, etc., and a consolidated chapter has been given for offences against women and children (Sections 63–78).
- Offences against children dealing with myriad issues like abandonment, kidnapping, procuration, selling and buying for prostitution, etc., are dealt under Sections 91–97.
- Movable property will now also include intangible assets like patents, copyrights, etc.
- Economic offences will include crimes like forgery, counterfeiting notes and government stamps, criminal breach of trust, financial schemes to do fraud on people, *hawala* transactions, etc.
- Mob lynching—Section 101(2) of BNS states "When a group of five or more persons acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other ground each member of such group shall be punished with death, or with imprisonment for life or imprisonment for a term which shall not be less than seven years, and shall also be liable to fine".

Did you know?

BNS 2023 has introduced gender neutrality qua the perpetrators under Sections 76 and 77, and gender neutrality for victims under Section 141.

Did you know?

The expression 'beggary' has been added to indicate 'exploitation' for the purpose of human trafficking.

- Chapter XIV of BNS specifies and lists the penalties for offenses against the public interest, including obtaining decrees for sums not due, harbouring offenders and providing or creating false evidence.
- Crimes against the public's health, safety, convenience, decency and morality are covered in Chapter XV of the BNS. Examples of these crimes include public nuisances, careless or malicious acts that spread disease, adulteration of food, drink, or narcotics, reckless driving, etc.



App to help roll out new criminal laws in capital

Hectic Meetings On With 15,000 Personnel Already Trained

A NEW ORDER TAKES SHAPE

Source: Times of India, 13 June 2024

Table of Some Offences and Corresponding Punishments

S. No.	Offence	Punishment	BNS
1.	Rape	Imprisonment not less than 10 years and more (can extend to life imprisonment), and also be liable to fine. Death penalty is also provided in cases of gang rape for women under 18 years of age and repeat offender.	u/s 65–73

2.	Physical relation with a woman by employing deceitful means	Punishable with imprisonment that may extend to 10 years and fine.	u/s 69
3.	Bigamy	Punishable with imprisonment that may extend to 7 years and fine.	u/s 81
4.	Abetment in India of offences outside India. Abetment outside India for offences in India	Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this *Sanhita* for the punishment of such abetment, be punished with the punishment provided for the offence.	u/s 47 u/s 48 u/s 49
5.	Riot	Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to five years or with fine, or with both.	u/s 189
6.	Terrorist act	Punishable with death or imprisonment for life without the benefit of parole and a fine of not less than 10 lakhs.	u/s 113
7.	Abandonment of child under 12 years by parents or person taking care of it	Punishable with imprisonment that may extend to 7 years or with fine or with both.	u/s 91
8.	Offences against children	Section 95 of BNS forbids the exploitation of children and punishes anyone who recruits, engages, or employs kids in illegal activity. Punishment—imprisonment for not less than 3 years and may extend up to 10 years with fine. Section 96—imprisonment may extend up to 10 years with fine. Section 97—imprisonment may extend up to 7 years with fine. Section 98—imprisonment may extend up to 10 years with fine. Section 99—imprisonment may extend up to 14 years with fine.	u/s 95 u/s 96–99
9.	Waging war against the government of any Foreign State at peace with Government of India.	Be punished with imprisonment for life, to which fine may be added or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.	u/s 151
10.	Snatching	Imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.	u/s 302

11.	Right to private defence	BNS 2023 provides rights to private defence in varied circumstances.	u/s 34–44
12.	Rash and negligent driving	Imprisonment of either description of a term which may extend to ten years, and shall also be liable to fine.	u/s 106
13.	Organised crime	Organised crime is any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cybercrimes, trafficking of persons, by any person or a group of persons acting in concert. The maximum punishment which can be awarded for organised crime is death penalty.	u/s 111

Quiz

1. What is the aim of Bharatiya Nyaya Sanhita, 2023?

a. To improve educational level
b. To promote economic growth
c. To revise and update the criminal justice system in India
d. To develop infrastructure

2. Which section of the BNS, 2023 deals with the Terrorist Act?

a. Section 23
b. Section 113
c. Section 61
d. Section 69

3. Which new law replaced the Indian Penal Code (IPC), 1973 in India?

a. Bharatiya Nagarik Suraksha Sanhita, 2023
b. Bharatiya Nyaya Sanhita, 2023
c. Bharatiya Sakshya Adhiniyam, 2023
d. Bharatiya Nagarik Adhiniyam, 2023

4. 'The person's right to defend their own body and the property' comes under which section of BNS, 2023?

a. Section 37
b. Section 35
c. Section 49
d. Section 69

5. When has the New Criminal Law been enforced in India?

a. 1 October 2024
b. 1 July 2024
c. 5 September 2024
d. 8 November 2024

Answer Key

1. c 2. b 3. b 4. a 5. b

Case Study

You would like to know the reformative, rehabilitative and community-centric approach to justice in the BNS:

The community service is targeted to replace punitive measures aligning with global trends of restorative justice and rehabilitation. Community service is targeted at minor offences, such as:

- Public drinking (Section 355 BNS)
- Theft less than ₹5000 (Section 303 BNS)
- Attempt to commit suicide to force or prevent the exercise of lawful power (Section 226 BNS)
- Defamation (Section 356 BNS)
- Involvement of public servants in illegal trade (Section 202 BNS)
- Non-appearance in response to a proclamation under Section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023

Ponder and reflect

- What is Community Service? In your view how will it have a transformatory impact on the mindset of the accused?
- Organise a discussion in your class on Community Service, and how will it help in restoration and rehabilitation of the accused.
- Write a short note on offences covered by Community Service.

Activities

- Whether all communities (even with lesser number of members) be allowed equal rights as enshrined in the Constitution?
- Does recognising rights of other genders play any role in the gender justice system of the country?

Ponder and reflect

- Organise a discussion or a debate in your class regarding the newly enacted BNS, 2023 and discuss as to how it will have an impact on your lives.
- With your classmates, prepare posters and messages to spread awareness about the rights given to victims under BNS, 2023.
- Group activity—write and broadcast some jingles on gender equality and justice.
- Organise a mock legal aid camp in your schools, and educate your peers about various crimes and its redressal mechanisms.
- Like the newspaper clipping given below, make a news item on any aspect of the new criminal laws.


Bar Council of India issues guidelines for legal education, mandates inclusion of Bharatiya Nyaya Sanhita: List of key changes

Deepto Banerjee / TOI Education / Updated: May 27, 2024, 12:21 IST

SHARE AA FOLLOW US

BCI directs legal education institutions to integrate new enactments into curricula aligning with NEP 2020 and HECI. The mandate includes emerging subjects, constit ...Read More

Source: https://www.thehindu.com/news/national/bar-council-of-delhi-office-bearers-cite-issues-urge-home-minister-to-not-implement-the-new-criminal-laws/article68010251.ece

Some More Facts!

Rationale behind enactment of new laws

The rationale behind enacting new laws is to address various shortcomings and challenges within the legal system:

- **Complexity of the legal system:** The existing laws and procedures were intricate, making it difficult for common citizens to navigate.
- **Backlog of cases in courts:** There was a significant backlog of cases pending in courts, leading to delays in justice delivery.
- **Low conviction rate:** The current legal framework resulted in a low rate of successful convictions, impacting the effectiveness of law enforcement.
- **Inadequate fines for crimes:** The fines imposed for certain crimes may not align with the severity of the offences, necessitating a review of penalty structures.
- **Overcrowding in prisons:** The high number of under-trial prisoners in prisons contributes to overcrowding, highlighting the need for efficient judicial processes.
- **Limited adoption of modern technology:** The legal system has been slow in integrating modern technologies, hindering efficiency and accessibility.
- **Delays in investigations:** Investigations often face delays, affecting the gathering of crucial evidence and prolonging legal proceedings.

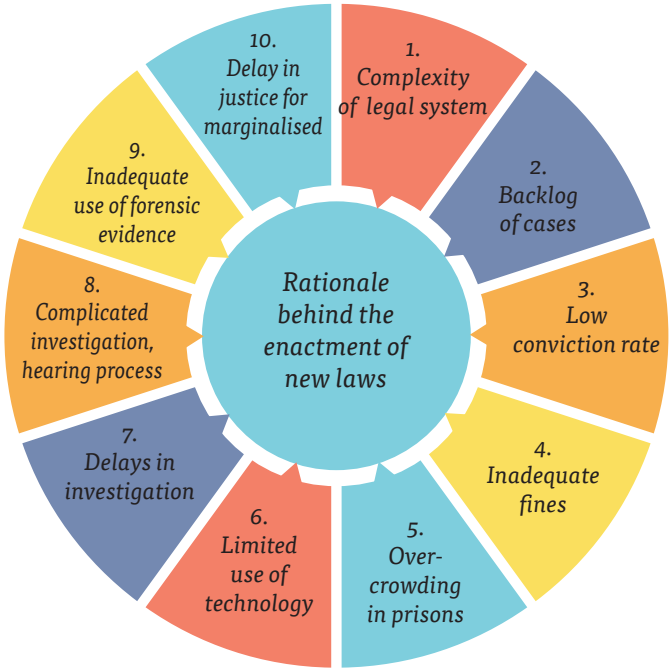


Fig. 12.5: Rationale behind the enactment of new laws

- **Complicated investigation and hearing processes:** The complexity of investigation and hearing processes can lead to inefficiencies and protracted legal battles.
- **Inadequate use of forensic evidence:** The utilisation of forensic evidence in legal proceedings is not optimal, impacting the accuracy of case resolutions.
- **Delay in justice for marginalised communities:** Marginalised communities often face additional barriers in accessing justice, leading to delays and disparities in legal outcomes.



Fig.12.6: The law and us

By addressing these challenges through new laws, the legal system aims to enhance accessibility, efficiency, fairness and effectiveness in delivering.

Reflections

The readers will have better knowledge of laws that will make them more aware about their rights and their protection.

This will empower and encourage the readers to perform their duties as citizens of this country with appropriate knowledge of laws, and the justice system. This in turn will promote a legal culture amongst the readers wherein they are not only aware of laws but also participate in information dissemination of such laws and policies.

This will inspire the educators and students to develop a positive outlook towards all genders and work for gender justice and equality.

Message for the Parents

The availability of technology, financial resources, and greater mobility for kids in the twenty-first century broadens kids' exposure to a wider range of influences, both good and bad. Particularly among children, there has been a rise in incidents of cyber bullying, deepfakes, fraud, blackmail, drug abuse, and trafficking. Teachers and parents now have a responsibility to educate kids about their rights and the resources available to them through the criminal justice system. The new laws have been enacted to be more victim-centric, thereby granting greater protection and speedy justice.



Source: https://blog.ipleaders.in/historical-development-criminal-justice-system/

References

Law Commission Reports.

National Council of Educational Research and Training. 2024. https://ncert.nic.in/pdf/module/New_Laws_2023/BNS-2023E.pdf

Navtej Singh Johar v. Union of India Judgment.

The Gazette of India. 2023. The Bhartiya Nyaya Sanhita, 2023 (Act 45 of 2023).

Weblinks

https://bprd.nic.in/uploads/pdf/Women,%20Children%20and%20the%20New%20Criminal%20Laws%20(1).pdf

https://main.sci.gov.in/supremecourt/2016/14961/14961_2016_Judgement_06-Sep-2018.pdf

https://nishithdesai.com/NewsDetails/13888

https://static.pib.gov.in/WriteReadData/specificdocs/documents/2024/may/doc2024522337701.pdf

https://www.allahabadhighcourt.in/event/admin_of_criminal_justice_in_india.html

https://www.mha.gov.in/sites/default/files/criminal_justice_system.pdf

https://www.pwc.in/assets/pdfs/consulting/forensic-services/revamping-indias-criminal-justice-system-bns-bnss-and-bsb.pdf

https://www.scconline.com/blog/post/2023/12/31/key-highlights-of-the-three-new-criminal-laws-introduced-in-2023/

THE BHARTIYA SAKSHYA ADHINIYAM, 2023

Ensuring Justice to All

You might have heard of the incidents of fraud, robbery and about the various proceedings through which legal cases are solved. Did you wonder what must have helped to solve the cases? How the evidences are gathered, or how are these linked to different aspects of theft or robbery? You will learn about *B*haratiya Sakshya Adhiniyam (BSA) and its different provisions and facts. This will also help you to understand what constitutes as 'evidences'. Let us learn and act responsibly, particularly in the present digital era.

Learning Outcome

After going through this document, you will be able to:

- Understand Bharatiya Sakshya Adhiniyam (BSA), 2023 and its salient features.
- Understand the basics of evidence law, including types of evidence like direct, circumstantial and hearsay.
- Explores how technology influences evidence collection, preservation and presentation in legal settings.
- Practice applying evidence law knowledge to analyse cases and assess the admissibility of evidence.
- When the reader is caught in a situation where they are a witness to or victim of a crime, the knowledge of this module will be a major guiding factor in strengthening their case with the help of appropriate evidence so collected.

Evolution of Evidence Law in India

The word 'evidence' is derived from the Latin word *evidens* or *evidere*, which means, "to show clearly; to make clear to the sight; to discover clearly; to make plainly certain; to ascertain; to prove".

The Indian Evidence Act (IEA), originally passed by the Imperial Legislative Council in 1872, during the British Raj, provides for laws relating to evidence and assist courts in establishing facts of the case brought before it, and pronouncing judgments based on such facts. It falls within the category of 'adjective law' and it defines the pleading, and methodology by which the substantive and procedural law are operationalised. The Act governed all court processes in India, both civil and criminal.



Fig. 12.7: Why do we need evidence law?

As per BSA, 'evidence' means and includes:

- All statements including statements given electronically which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry and such statements are called oral evidence.
- All documents including electronic or digital records produced for the inspection of the Court and such documents are called documentary evidence.

The definitions of document and evidence have become wider to include electronic record, and digital records. Anything done in electronic or digital mode will be considered as document and will be recognised as evidence. The definition of 'evidence' empowers the courts to examine witnesses during trial by way of video conference.



Bharatiya Sakshya Adhiniyam, 2023

The aim of BSA is to consolidate, and to provide general rules and principles as evidence for fair trial. The Act includes various forward-looking provisions, such as, expansion of the definition of evidence to include electronic and digital records, expansion of definition of primary evidence, provision for admissibility of electronic or digital records as evidence, exclusion of privileged communication between the Ministers and the President of India from the purview of Courts, provision of certificate for handling of electronic and digital evidence, etc. In BSA, there are total 170 sections whereas there were a total of 167 sections in the Indian Evidence Act (IEA).

Rationale

The law of evidence is a fundamental part of our legal system which is primarily based on the principle that an accused person is presumed to be innocent until proven guilty. It provides the rules and guidelines for determining what evidence can be presented in court, how it should be presented, and how it should be evaluated. Here are several reasons why evidence law is essential:

Relevant, authentic and legally obtained, evidence law promotes the reliability and accuracy of the information presented in court. This helps to ensure that judicial decisions are based on trustworthy and verifiable facts.

- **Ensures Fairness in Legal Proceedings:** Evidence law ensures that both parties in a legal dispute have a fair opportunity to present their case. By establishing clear rules for what can be considered as evidence, it helps to prevent biased or irrelevant information from influencing the outcome of a trial.
- **Protects the Rights of Individuals:** The law of evidence protects the rights of individuals by setting standards for how evidence must be obtained and presented. For example, it prohibits the use of evidence obtained through coercion or illegal means, ensuring that the legal process respects the rights of all parties involved.
- **Promotes Reliability and Accuracy:** By requiring that evidence be relevant, authentic, and obtained legally, evidence law promotes the reliability and accuracy of the information presented in court. This helps to ensure that judicial decisions are based on trustworthy and verifiable facts.
- **Enhances Efficiency in the Judicial System:** Clear rules of evidence streamline the judicial process by setting out what is admissible and what is not. This helps to avoid unnecessary delays, and ensures that trials proceed in an orderly and efficient manner.
- **Balances Competing Interests:** In legal proceedings, there are often competing interests at play. Evidence law helps to balance these interests by ensuring that the rights of the accused are protected while also allowing the prosecution to present a compelling case. This balance is crucial for maintaining justice and fairness.
- **Adapts to Technological Advances:** As technology evolves, so does the nature of evidence. Evidence

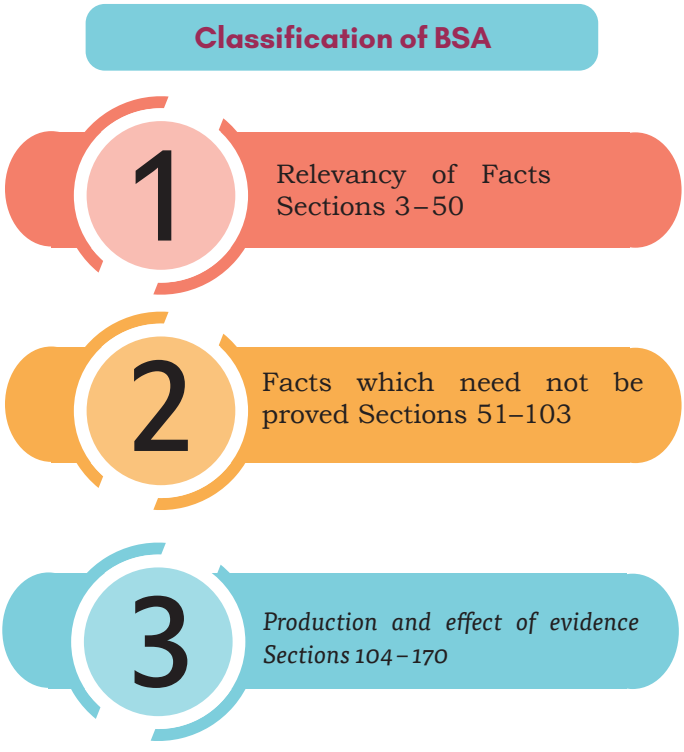
Did you know?

Previously, offences against women and children were sporadically located all over the IPC, but under the BNS 2023 it has all been consolidated in Chapter V.

law should be designed to adapt to these changes by incorporating rules for new types of evidence, such as, electronic records and digital communications. This adaptability ensures that the legal system can effectively handle modern forms of evidence.

Highlights of BSA

- It provides that evidence includes any information given electronically which would permit appearance of witness, accused, experts and victims through electronic means.
- It provides the admissibility of an electronic or digital record having the same legal effect, validity and enforceability as any other document.
- It seeks to expand the scope of secondary evidence.
- It seeks to put limits on the facts which are admissible and its certification as such in the Courts.
- It includes electronic and digital signature.
- In BSA the references to colonial terms, such as, 'Parliament of the United Kingdom', 'Provincial Act', 'London Gazette', 'Commonwealth', 'Privy Council', 'Queen's Printer', 'Her Majesty', colonial proclamations and orders have been removed. Archaic terms like '*vakil*',



'pleader', 'barrister' have been replaced with 'advocate'. Terms like 'lunatic' have also been replaced with more sensitive terminologies, like 'person of unsound mind'.

Important Procedures under BNSS

- **Use of Technology and Digital Means in Processing Evidence:** The definition of 'documents' has been expanded to include electronic or digital records on emails, server logs, documents on computers, laptop or smartphone, messages, websites, location evidence and voice mail messages stored on digital devices. Further, the definition of 'evidence' has been expanded to include any information given electronically which will enable the appearance of witnesses, accused, experts and victims through electronic means.
- **Primary Evidence:** The definition of primary evidence has been expanded to include electronic or digital record which is created or stored, electronic or digital record produced from proper custody, video recording simultaneously stored in electronic form and transmitted or broadcast to another; and electronic or digital record stored in multiple storage spaces in a computer resource.

Primary Evidence is the highest quality of evidence and is considered the most reliable. It refers to the original documents or materials produced before the court for inspection. This type of evidence is directly presented to the court without any intermediaries.

For example, the original contract signed between two parties in a business deal is primary evidence.

- **Secondary Evidence:** The scope of secondary evidence has been expanded to include copies made from original by mechanical processes, copies made from or compared with the original, counterparts of documents as against the parties who did not execute them and oral accounts of the contents of a document given by some person who has themself seen it. It will also include oral admission when genuineness of the document itself is in question. Further, secondary evidence can be given when the existence, condition or content of the original is admitted in writing.

Did you know?

Did you know that certain communications are considered privileged communication and cannot be disclosed in court? For example, communication between a lawyer and their client, or between spouses, are protected. This ensures confidentiality and trust in sensitive relationships.

Secondary evidence, as the name suggests, is used when primary evidence is unavailable. It includes copies or substitutes of the original documents or materials. Secondary evidence is acceptable in court under specific circumstances when primary evidence cannot be obtained. For example, a photocopy of the original contract, when the original document is lost or destroyed, is considered secondary evidence.

Did you know?

Evidence is admissible when it is deemed proper to be received by the court of law.

- **Admissibility of Electronic or Digital Record:** A new section has been added to provide for admissibility of electronic or digital record.
- **Electronic Records:** A certificate has been added in the schedule to authenticate and verify the contents of electronic records with riders and that the conditions of computer must be regularly in use for regular activities by person having lawful control over it, data was regularly fed in it, computer was working properly, etc.
- **Privileged communication between Ministers and President:** A *proviso* has been added to bar Courts from inquiring into any privileged communication between Ministers and the President of India.
- **Experts:** BSA enlarges the definition of the experts by adding 'foreign law, science or art' and 'or any other field' to the definition who may give their opinion by adding to 'foreign law, science or art'.

Fact, Fact in Issue and Relevant Fact

As per BSA, 'fact' means and includes:

- Anything, state of things or relation of things, capable of being perceived by the senses.
- Any mental condition of which any person is conscious.

'Facts in issue' means and includes any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability or disability, asserted or denied in any suit or proceeding, necessarily follows.

A fact is considered relevant to another fact when they are connected in a way that matters according to the rules in the act about relevant facts. Relevancy means there's a connection, and this connection helps the judge decide if the fact is true or not in the case being discussed.

For example, imagine a legal case where a person is accused of stealing a valuable item from a store. In this case:

Did you know?

The doctrine of estoppel prevents a person from contradicting what they have previously stated or agreed to if someone else has relied on that statement? For example, if a landlord acknowledges a person as a tenant and then tries to deny it in court, the landlord is estopped (Is this ok?) from doing so.

- The 'fact' in question would be the presence of the stolen item in the accused person's possession.
- The 'fact in issue' would be whether the accused person actually stole the item.
- The 'relevancy' of the fact that the item was found in the accused person's possession is determined by how it connects to the overall case. If there is evidence that the accused person was seen taking the item without permission or if the item was found hidden in their belongings, this fact becomes relevant to establishing their guilt or innocence in the theft case.

Proved, Disproved and Not Proved Facts

A fact is said to be 'proved' when, after considering the matters before it, the court either believes it to exist, or considers its existence so probable that a prudent person ought, under the circumstances of the particular case, to act upon the supposition that it does exist.



A fact is said to be 'disproved' when, after considering the matters before it, the court either believed that it does not exist, or considers its non-existence so probable that a prudent person ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said to be 'not proved' when it is neither proved nor 'disproved'. It means neither the fact is proved with certainty nor the fact is believed to exist. In other words, the person of ordinary prudence neither believes that the fact exists nor they believes that the fact does not exist.

Burden of Proof

As per BSA any person who wants a court to make a decision in their favour regarding any legal right or liability must prove the facts they are asserting. This obligation to prove the existence of these facts is known as the burden of proof.

The BSA further clarifies that the burden of proof lies upon the person who would lose the case if no evidence were presented. In other words, the burden of proof falls on the party that initiates a lawsuit or any legal proceeding.

For example, if a person files a lawsuit claiming that their neighbour damaged their property, the burden of proof is on the person who filed the lawsuit. They must provide evidence to support their claim. If they cannot provide sufficient evidence, the court will not rule in their favour.

Did you know?

The character of a person is generally not admissible to prove their conduct? However, there are certain exceptions. For instance, in cases of defamation, the character of the person defamed can be relevant, and in criminal cases, the accused can introduce evidence of good character as part of their defence.

Motive, Preparation and Conduct

- **Motive:** Motive is the driving force that pushes someone to act. It's what encourages or persuades them to do something. Evidence of motive is crucial because people usually don't act without a reason. This evidence becomes especially important when a case relies heavily on indirect clues or circumstantial evidence. For example, in a burglary case where valuable items were stolen from a house, the motive of the accused, such as, financial distress or revenge—can help establish why the crime occurred.
- **Preparation:** When someone plans to commit a crime, they often take certain steps or actions to prepare for it. This preparation can include acquiring tools or substances needed to carry out the crime. For example, if an individual intends to poison someone (let's call them 'Y') with a toxic substance, they would need to obtain that poison beforehand.

  Now, in legal terms, evidence of preparation refers to the actions or steps taken by the person before committing the actual crime. It becomes crucial in criminal investigations because it helps establish a connection between the planning phase and the execution of the crime. In our example, if 'Y' is found in possession of the poison or evidence that they acquired it, it strengthens the case against them for planning and carrying out the crime.
- **Conduct:** Under BSA, the conduct of specific individuals holds crucial importance in legal proceedings. For instance, in a case involving financial fraud, the conduct of the accused party's authorised agent, such as, their financial advisor, becomes relevant. The advisor's conduct, including their advice, transactions, and communication with the accused, can provide insights into the alleged fraud and the extent of the agent's involvement. Similarly, the conduct of the victim, like their response to the fraud, interactions with the accused, and efforts to address the issue, helps in understanding the impact and circumstances surrounding the crime.

Did you know?

A dying declaration—a statement made by a person who believes they are about to die, is considered strong evidence under the Indian Evidence Act? The rationale is that a person on their deathbed is unlikely to lie.

Admissibility of Evidence

Admissibility of evidence refers to whether something can be accepted or used as evidence in a court of law. Evidence includes documents, testimony, or physical objects presented to prove or disprove facts in a trial. Not all evidence

is allowed in court; only reliable and relevant evidence is considered admissible. This means that the evidence must be trustworthy and directly related to the case being tried. The court carefully evaluates the admissibility of evidence to ensure that only appropriate and credible information is used to make legal decisions.

For example, in a theft case, if the prosecution wants to submit security camera footage showing the accused at the crime scene, the court will assess whether the footage meets certain criteria. This includes verifying the authenticity of the footage, ensuring it is relevant to the case (i.e., shows the accused committing the theft), and confirming that it was legally obtained. If the court determines that the footage meets these criteria and is reliable, it will be deemed admissible and can be used as evidence during the trial.

Did you know?

Statements made as part of the same transaction as the crime are admissible as evidence? This principle, known as *res gestae* allows statements that are spontaneous and contemporaneous with the event to be considered reliable. For example, a cry for help during an attack can be used as evidence in court.

Admissions and Confessions

Admission is defined as a statement made by witnesses, which shows inference to any fact in issue or relevant fact in a case. Admission can be in the form of a document, oral statement or can be contained in an electronic form. Statements made by party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorised by him to make them, are admissions.

Generally speaking, an admission by the accused in a criminal case admitting their guilt is known as confession. The inference that the statement should suggest should be that they are guilty of the crime.

For example, in a theft case, Jhuma is accused of stealing a valuable item. During the trial, a person who was there at the time of the theft, makes a statement saying, "Yes, I saw this girl (Jhuma) taking the item from the store". This statement is an admission because it directly relates to the fact in question, which is whether Jhuma committed the theft.

Now, if Jhuma herself says, "Yes, I took the item", that would be a confession. It's an admission of guilt and is considered strong evidence against her in the case.

Did you know?

Confessions made to police officers are generally not admissible in court under the Indian Evidence Act? This is to prevent coercion and ensure that confessions are given voluntarily. However, if a confession leads to the discovery of a fact, that fact can be used as evidence.

Witness

A 'witness' is someone who has personally seen or experienced an event, such as, a crime, accident, or any significant occurrence.

Types of Witnesses

- **Prosecution Witness:** This witness is brought in by the prosecution to support their case. For example, a person who saw the crime and can describe what happened.
- **Defence Witness:** This witness is brought in by the defence to help prove the accused innocent.
- **Eye Witness:** Someone who was present at the scene and saw the event firsthand.
- **Expert Witness:** A specialist with professional, educational, or technical knowledge about a particular subject relevant to the case. For example, a forensic scientist who can explain DNA evidence.
- **Hostile Witness:** A witness whose statements suggest they are not truthful or are reluctant to reveal the truth. For example, a witness who keeps changing their story under oath.
- **Child Witness:** A child who understands the questions asked by the court and can give rational answers.
- **Chance Witness:** A person who was at the crime scene by coincidence. For example, someone passing by who happened to see the event unfold.
- **Accomplice Witness:** A person involved in the crime who testifies about it. For example, a thief who cooperates with the police and testifies against their partners in crime.

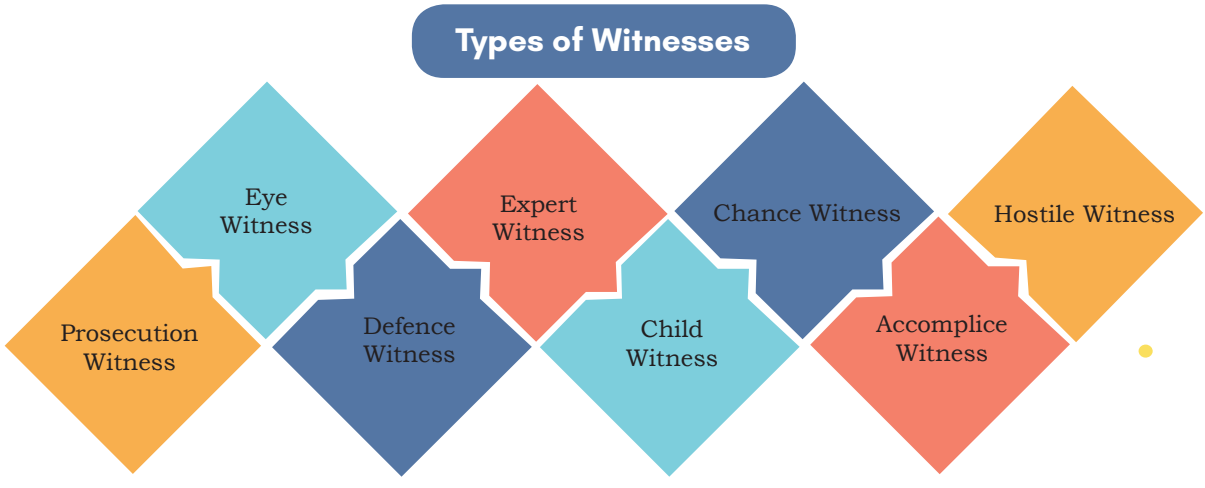


Fig. 12.8: Types of witnesses

Expert Evidence

An 'expert' witness is someone who has specialised knowledge or skills in a particular field that is not directly related to the case but can help the court understand complex issues. These experts provide their professional opinions to give the court a broader perspective and assist in delivering justice.

When the court needs to form an opinion on a specific topic, such as, foreign law, science, art, handwriting, or fingerprints, it relies on the opinions of experts in those areas. The opinions of these especially skilled individuals are considered relevant facts. These experts are called upon to explain technical or specialised information that is beyond the average person's understanding.

Did you know?

Expert opinions are admissible in court. For example, an expert's opinion on handwriting, fingerprints, or even a doctor's opinion on medical matters can be critical in resolving a case. This allows the court to make informed decisions based on specialised knowledge.

Electronic Records

Definition of Document: Under the BSA, the definition of 'document' includes electronic and digital records. This means that emails, server logs, documents on computers, laptops, or smartphone, messages, websites, location evidence, and voicemail messages stored on digital devices are all considered documents.

To qualify as a 'document' or 'documentary evidence' under the BSA, it's not necessary for the information to be expressed through letters, figures, or marks. Any information recorded by any means on any substance will qualify as a document.

1. **Definition of Evidence:** The BSA also includes electronic information as evidence. Statements given electronically by witnesses are treated as evidence, just like oral statements.
2. **Primary Evidence:** Primary evidence includes original documents and certain electronic and digital records.

The BSA provides examples where electronic records are considered primary evidence:

- **Multiple Files:** If an electronic record is created or stored in multiple files, each file is primary evidence.
- **Proper Custody:** If an electronic record is produced from proper custody and is not disputed, it is primary evidence.
- **Simultaneous Storage:** If a video recording is stored electronically and also transmitted or transferred elsewhere, each stored recording is primary evidence.
- **Multiple Storage Spaces:** If an electronic record is stored in multiple places within a computer, each storage space, including temporary files, is primary evidence.

Did you know?

Leading questions, which suggest the answer, are generally not allowed during direct examination but are permitted during cross-examination? This distinction helps ensure that witnesses provide their own testimony rather than merely agreeing with suggestions from the examining lawyer.

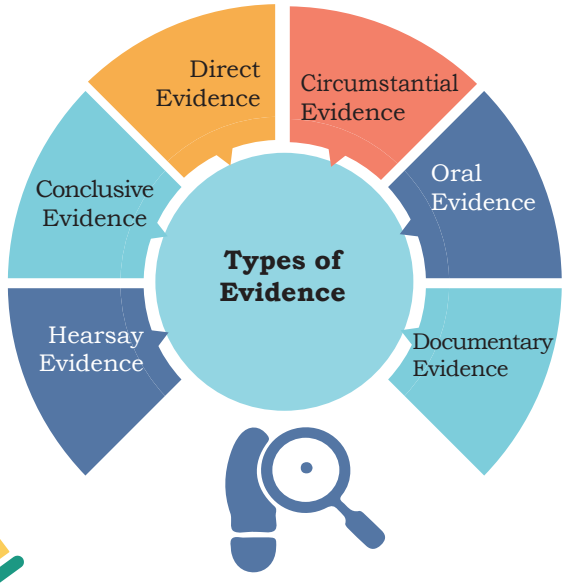
3. **Admissibility of Electronic Records:** The BSA provides a specified format for certificate to be submitted along with electronic evidence each time it is presented for admission in court. This certificate helps verify the authenticity of the electronic evidence.

Examination-in-Chief, Re-examination and Cross-examination

The party on whom the burden of proof lies is responsible for beginning the examination of witnesses. This process is crucial in presenting and challenging evidence in court. The steps involved are as follows:

1. **Examination-in-Chief:** This is the initial examination of a witness by the party who called them. The purpose is to elicit facts that support the case of the party who bears the burden of proof.
2. **Cross-examination:** After the Examination-in-Chief, the opposing party gets the opportunity to question the witness. The aim here is to challenge the credibility and reliability of the testimony given during the Examination-in-Chief.
3. **Re-examination:** Following the cross-examination, the party who initially called the witness can conduct a re-examination. This step is intended to clarify or explain any answers given during the Cross-examination that might have undermined the witness' initial testimony.

Types of Evidence



1. **Direct Evidence:** Direct evidence means the fact which without the intervention of any other fact proves the existence of a fact in issue.
2. **Oral Evidence:** Oral evidence renders to the evidence that is mainly words spoken by mouth. It is adequate to be proved without the support of any documentary evidence, provided it has credibility.
3. **Documentary Evidence:** Documentary evidence is the evidence that mentions any issue described or expressed upon any material by way of letters, figures or marks, or by more than one of the ways which can be used for recording the issue. Such evidence is presented in the form of a document to prove a disputed fact in court.

4. **Circumstantial Evidence:** Circumstantial evidence is the testimony of a witness to other relevant facts from which the fact in issue may be inferred.

5. **Hearsay Evidence:** Hearsay evidence is also called derivative or second-hand evidence. It is the testimony of the witness as to statements made out of court which are offered as evidence of their own truth.

6. **Conclusive Evidence:** Refers to a type of evidence that, when presented in court, is considered to be final and conclusive.

Quiz

1. Who are considered experts in Evidence Law?
   a. Lawyers representing the parties
   b. Any person with knowledge of the case
   c. Persons skilled in foreign law, science, art, or other fields
   d. Judges presiding over the case
2. What type of evidence is testimony of a witness to other relevant facts from which the fact in issue may be inferred?
   a. Direct evidence
   b. Circumstantial evidence
   c. Hearsay evidence
   d. Oral evidence
3. Which act has replaced the Indian Evidence Act, 1872?
   a. Bharatiya Nyaya Sanhita, 2023
   b. Bharatiya Sakshya Adhiniyam, 2023
   c. Bharatiya Nagarik Suraksha Sanhita, 2023
   d. BharatiyaNagarikAdhiniyam, 2023
4. What does the term 'secondary evidence' refer to in Evidence Law?
   a. Evidence presented by the opposing party
   b. Evidence that is not as reliable as primary evidence
   c. Evidence used in the absence of primary evidence
   d. Evidence obtained through illegal means
5. How does Bharatiya Sakshya Adhiniyam, 2023, expand the scope of primary evidence?
   a. By including handwritten documents
   b. By including only physical records
   c. By including electronic and digital records
   d. By excluding all forms of secondary evidence

Answer Key

1. c 2. b 3. b 4. c 5. c

Activities

6. Organise a debate on the topic, 'The Impact of Technological Advances on Evidence Law.' Divide students into groups representing different perspectives (for example, lawyers, judges, tech experts), and let them debate the pros and cons of incorporating electronic evidence in court proceedings.
7. Assign research projects on specific aspects of evidence law reform, such as, the admissibility of digital records, the role of expert witnesses, or the use of forensic evidence. Students can present their findings through reports or presentations.
8. Invite legal professionals, forensic experts, or scholars specialising in evidence law to conduct interactive sessions with students. They can share real-world experiences, discuss recent case examples, and answer students' questions.



Fig. 12.9: The law and us

Reflections

This module delves into the Bharatiya Sakshya Adhiniyam, 2023, the rulebook for presenting evidence in Indian courts. It's your guide to understanding how information is presented, analysed, and used to determine the truth in legal proceedings. Whether you're a curious student, a future legal advocate, or simply a citizen interested in the workings of the legal system, this module will equip you with the knowledge to navigate the intricate world of evidence.

Message for the Parents

As parents, it's beneficial to familiarise yourself with the Bharatiya Sakshya Adhiniyam, 2023, and its impact on evidence laws. Discuss with them the expanded scope of evidence, including electronic and digital records, and how this modernises our approach to legal proceedings. Emphasise the importance of fair trial principles, including the admissibility of evidence and protection of individual rights, as integral aspects of our legal system. By nurturing this understanding, we equip our children to appreciate the nuances of evidence law and contribute positively to a just society.



References

Batul, L. 2014. *The Law of Evidence*. Central Law Agency.

Government of India. 2022. Crime in India. Statistics, Volume I. National Crime Records Bureau, Ministry of Home Affairs. National Highway 48, Mahipalpur, New Delhi–110037.

Parliamentary Standing Committee. 248th Report. Report- SC_Report_Bharatiya_Sakshya_Bill_2023.pdf (prsindia.org)

National Council of Educational Research and Training. 2024. https://ncert.nic.in/pdf/module/New_Laws_2023/BAS-2023E.pdf

Ratanlal and Dhirajlal. 2022. *The Law of Evidence*. LexisNexis.

Sarathi, V. P. 2013. *Law of Evidence*. EBC Explorer.

The Gazette of India, 2023. The Bharatiya Sakshaya Adhiniyam, 2023.

CONCLUSION

Legal literacy refers to the knowledge and understanding of the basic legal concepts, rights, responsibilities and the functioning of the legal system within a particular jurisdiction. It involves the ability of individuals to comprehend, interpret and apply the law in their daily lives. Legal literacy is not about having formal legal training, but rather about having a foundational awareness of legal principles that affect individuals and communities in different social spaces of interactions. Legal literacy and the knowledge of redressal mechanism are important for the empowerment of individuals and students in their growing years. Equal access to justice is another critical dimension of legal literacy. Understanding the legal procedures, knowing how to access legal aids and being aware of alternative dispute resolution mechanisms, contributes to enhanced access to justice. This is especially significant in ensuring that the socially and economically disadvantaged groups or the vulnerable sections of society can effectively seek legal remedies and protection.

Legal literacy acts as a safeguard against exploitation and injustice. Informed individuals including students and youth are better equipped to recognise and address any kind of injustice or discrimination thereby, reducing their vulnerability to various forms of abuses. These may include bullying, ragging, physical and emotional conflicts. Legal awareness contributes not only in addressing deviant behaviours but also creates a more just and equitable society, where the rule of law prevails.The protection and promotion of human rights is closely intertwined with legal literacy. By understanding these rights, individuals and students can actively advocate for the protection of human rights in the existing legal system. Through legal literacy, individuals gain the knowledge and skills necessary to assert their rights and make informed decisions as an aware citizen of the country. This empowerment is particularly crucial in fostering a sense of self-hood, dignity and self-realisation among citizens where human rights and self-respect of each and every person's irrespective of their origin are valued. When individuals including the youth, are aware of their legal rights and responsibilities, they become active participants in the legal system rather than passive subjects.

The economic development of any country across the globe is significantly influenced by the legal literacy. In a business context, individuals with legal literacy are better

equipped to understand and comply with legal regulations, navigate contractual agreements and protect intellectual property rights. This, in turn, contributes to the creation of a robust and transparent business environment conducive to economic growth. Furthermore, legal literacy plays a crucial role in political development of the democratic societies. Informed citizens are essential for the functioning of a democratic system as they can actively engage in political processes, contribute to policy discussions and hold elected officials accountable. Legal literacy, in this context, is a cornerstone of good governance and performance. To address the multifaceted challenges of the modern world, legal literacy becomes even more crucial in the context of the digital era. Understanding the legal implications of online activities, privacy laws and cyber regulations is essential for individuals to navigate the digital landscape responsibly and securely. Therefore, it is an important emerging discipline that curriculum developers can engage with.

In conclusion, legal literacy is not merely a personal asset; it is a societal imperative that underpins the foundations of a just, democratic and developed society. It empowers individuals and the youth to enhance access to justice, protects human rights, fosters social, political, cultural and economic growth, and strengthens the rule of law in the society. As we continue to journey the complexities of the legal landscape, promoting legal literacy emerges as a key strategy for building resilient and equitable societies. This handbook attempts to weave themes that would prove beneficial to the curriculum developers, the stakeholders including students, to strengthen the pillars ofdemocracy and act as responsible and committed citizens of the country.

GLOSSARY

CBSE	Central Board of Secondary Education
CCL	Children in Conflict with Law
CD	Compact Disc
CERT	Computer Emergency Response Team
CISOs	Chief Information Security Officers
CNCP	Children in Need of Care and Protection
CPCR	Commission for Protection of Child Rights Act, 2005
CPO	Child Protection Officer
CrPC	Code of Criminal Procedure, 1973
CWC	Child Welfare Committee
CWSN	Children with Special Needs
DEO	District Education Officer
DLSA	District Legal Service Authority
ECI	Election Commission of India
EFT	Electronic Funds Transfer
EPA	Environment Protection Act
EPR	Environment Protection Rules
EVM	Electronic Voting Machine
ICT	Information and Communication Technology
IPC	Indian Penal Code
IPR	Intellectual Property Rights
IT	Information Technology
JANET	Joint Academic Network
JJB	Juvenile Justice Board
JJ ACT	Juvenile Justice (Care and Protection of Children) Act, 2015
MoE	Ministry of Education
MOEF&CC	Ministry of Environment, Forest and Climate Change
NCERT	National Council of Educational Research and Training
NCIIPC	National Critical Information Infrastructure Protection Centre
NCPCR	National Commission for Protection of Child Rights
NDMA	National Disaster Management Authority
NEP	National Education Policy
NPC	National Policy for Children

POCSO	The Protection of Children from Sexual Offences Act and Rules
PTA	Parent Teachers Association
PTM	Parent Teachers Meeting
PwDs	Persons with Disabilities
RTE	The Right of Children to Free and Compulsory Education Act, 2009
SCERT	State Council of Educational Research and Training
SCPCR	State Commission for Protection of Child Rights
SDGs	Sustainable Development Goals
SJPU	Special Juvenile Police Unit
SLSA	State Legal Service Authority
SM	School Management
SMC	School Management Committee
SOP	Standard Operating Procedure
SSC	School Safety Committee
UN	United Nations
USB	Universal Serial Bus
UNCRC	United Nations Convention on the Rights of the Child
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WHO	World Health Organisation

MEANING OF TERMS

Abuse: Abuse is a broad term that refers to an action that intentionally causes harm or injures another person. This can refer to physical abuse, sexual abuse, psychological abuse, mental abuse or child abuse.

Act: Law or statute passed by the legislature and assented by the President of India.

Child: A person who has not completed 18 years of age or is below the age of 18 years.

Child friendly procedures: Procedures should help children understand the nature and purpose of the processes in which they are participating and are sensitive to their needs.

Child in conflict with law: Means a child who is alleged or found to have committed an offence, and who has not completed 18 years of age on the date of commission of such offence.

Child in need of care and protection means a child:

1. Who is found without any home or settled place of abode.
2. Who is found working in contravention of labour laws.
3. Who resides with a person (whether a guardian of the child or not) and such person:
   - has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or
   - has threatened to kill, injure, exploit or abuse the child
   - has killed, abused, neglected or exploited some other child,
   - who is mentally ill or physically challenged or suffering from terminal or incurable disease
4. Who has a parent or guardian, and such parent or guardian is found to be unfit or incapacitated by the Committee or the Board, to care for and protect the safety.
5. Well-being of the child.
6. Who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him.
7. Who is missing or a run-away child.
8. Who has been or is being, or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts.

9. Who is found vulnerable and is likely to be inducted into drug abuse or trafficking.
10. Who is being or is likely to be abused for unconscionable gains.
11. Who is victim of or affected by any armed conflict, civil unrest or natural calamity.
12. Who is at imminent risk of marriage before attaining the age of marriage.

Emotional safety: Emotional safety in schools refers to how safe a student feels in expressing their emotions in school.

Engagement: Fostering an inclusive and culturally sensitive relationship that honor, celebrate and embrace diverse cultural identities, and family traditions.

Environment: It encompasses the physical, social and educational settings within a school.

Gender neutral: Protection of Children from Sexual Offences Act, 2012 (POCSO) is a gender-neutral legislation. The perpetrators and victims are not specified to be people of one particular gender.

International conventions: Article 38 (1) (a) of the Statute of the International Court of Justice mentions 'international conventions, whether general or particular' as a source of law, in addition to general principles of international law, international customary rules, and— as a secondary source—judicial decisions and the teachings of the most highly qualified publicists.

Intersex: A person with intersex variations means a person who at birth shows variation in his or her primary sexual characteristics, external genitalian chromosomes or hormones from normative standard of male or female body.

Juvenile: A child below the age of 18 years.

Legislation: Preparation and enactment of laws, ordinance or rules and regulation, etc., by the Parliament and/or the respective State Governments.

Notification: Notification is issued by the Central or State Government in exercise of delegated power of legislation (Parliament or Assembly), taking care of some procedural aspects of an enactment. For example, EIA notification 2006 u/s 3 of EPA.

Ordinance: Ordinance is the decree or law promulgated by the State or Central Government without the consent of the legislature. For example, strike in essential defense services (2021).

Perpetrator: A person who carries out a harmful, illegal or immoral act.

Physical safety: Physical safety refers to the protection of all stakeholders including families, caregivers, students, school staff and the community, from violence, theft, and exposure to weapons and threats, to establish a secure learning environment.

Policy: Principles, guidelines and rules that are framed by the government bodies to help in evolution of future course of action and form an important part of the legal system.

Public Interest Litigation (PIL): In layman's terms, lawsuit brought in a court of law to defend the public interest, such as pollution, road safety, construction dangers, and so on.

Right: A right is defined as an arrangement or contract made between the individuals who hold it (often referred to as the 'rights-holders') and the individuals or institutions that are then responsible for fulfilling its requirements (often referred to as the 'duty- bearers'). All people under the age of 18 have specific human rights known as 'child rights', which are recognised by law.

Rules: Rules are set of governing laws placed at secondary position to the acts. Rules are framed to make the functioning of parent act more efficient. For example, EPA and EPR.

Safety: A safe environment is an ecology where children are free to learn and grow, and is free from violence, bullying, harassment, and substance misuse.

Transgender: A transgender person is the one whose gender does not match with the gender assigned to that person at birth and includes trans man or trans woman, person with intersex variations, gender queer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

Writ: A writ is a directive (command) issued by the court to another person or authority requiring that person or authority to act or refrain from acting in a certain manner. Thus, writs are a critical component of the courts' judicial power. Article 32 (1) grants the right to petition the Hon'ble Supreme Court to enforce the rights provided by Part III of the Indian Constitution (Fundamental Rights). Article 226 (1) empowers the Hon'ble High Court to issue directions, orders, or writs, including writs in the nature of Habeas Corpus Mandamus, Prohibition, Quo Warranto, and Certiorari, to any person or authority, including in appropriate cases, any government, within those territories for the enforcement of any of the rights conferred by Part III of the Constitution and for any other purpose.

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