

Crimes against Children – A Primer based on NCRB’s Crime in India Report, 2020

HAQ: Centre for Child Rights

About HAQ:

HAQ: Centre for Child Rights is a human rights organisation that focuses on all rights for all children, recognising them as citizens of today and adults of tomorrow. HAQ was founded in 1998 and formally registered in 1999. HAQ works towards mainstreaming child rights and children’s concerns in all development planning and action through knowledge creation, evidence-based advocacy and communication, direct support for children in distress, collaborations and partnerships.

About National Crime Record Bureau’s *Crime in India 2020* Report:

The National Crime Record Bureau (NCRB) is an Indian government agency responsible for tabulating crime data as defined by the Indian Penal Code and Special and Local Laws, at the national and state level. It’s *Crime in India* report is the oldest publication brought out by NCRB and contains a dedicated chapter on crime against some vulnerable sections of the society - women, children, Scheduled Castes / Scheduled Tribes and senior citizens.











NCRB released its [*Crime in India Report*](#) for the year 2020 recently in September, 2021. Chapter 4 A and 4 B is dedicated to data with respect to crimes against children. Chapter 5 A and 5 B contain data regarding children in conflict with the law. This primer looks at only data with respect to crimes against children, specifically Chapter 4 A. The main findings are captured below in a table and the overall data is provided thereon.

For the uninitiated, NCRB provides crimes against children data under two broad heads:

- i. Crimes against children under Indian Penal Code (IPC) and
- ii. Crimes against children under Special and Local Laws (SLL). Special and Local Laws includes: POCSO Act, 2012; Juvenile Justice Act, 2015; Immoral Traffic (Prevention) Act, 1956; Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended in 2016); Prohibition of Child Marriage Act, 2006; Transplantation of Human Organs Act; Information Technology Act; and Other SLL Crimes

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<p>A total of 1,28,531 cases of crimes against children are registered during 2020 as against 1,48,185 in 2019, showing a decrease of 13.3%. Even as proportion of all India crimes, the share of crimes against children declined from 2.9% in 2019 to 1.9% in 2020.</p> 	<p>The crime rate i.e., number of crimes against children per 1,00,000 population of children has declined from 33.2 in 2019 to 28.9 in 2020.</p> 	<p>From offences under the IPC, Kidnapping and Abduction of children has the highest number of cases registered (54,785 out of 77,382) Maharashtra had reported the highest number of such cases, accounting for 5.7% of total cases registered in the country.</p> 	<p>Within SLL crimes, the share of cases under the POCSO Act is the highest - 47,221 out of 51,149 cases, or 92.3%.</p> 	<p>With respect to disposal of cases by Police, all India pendency in 2020 is 38.2%. In 2019, the pendency percentage was 37.1 %.</p> 
<p>With respect to disposal of cases by Court, all India pendency in 2020 is 95.0%, whereas in 2019 it was 90.4%.</p> 	<p>Out of 20,783 cases where trial was completed, in 9,366 cases the accused is convicted and in 10,211 cases the accused is acquitted.</p> 	<p>Out of the total 28,327 victims under the POCSO Act, 650 (2.3%) are below 6 years, 14,118 (49.8%) are in the age group of 16-18 years. Rest (47.9%) are aged 6 to 16 years.</p> 	<p>Out of the total 28,065 cases under Sections 4 and 6 of the POCSO Act, 2012, in 26,934 (96%) cases the offender is known to the victim.</p> 	<p>In the year 2020, the incidence of crimes against children under the Juvenile Justice Act is 1713 cases, of which 21% are committed by “caretakers/in-charge of juvenile homes.”</p> 

1. Under IPC, a total of 77,382 cases are registered while under SLL, the total number is 51,149.
2. Madhya Pradesh accounts for 13% (17,008) of total crimes committed against children in the country. The next in order is Uttar Pradesh 11.8% (15,271), closely followed by Maharashtra 11.1% (14,371).
3. The crime rate is highest in Andaman and Nicobar Island (125.5), followed by Delhi (96.8), and Sikkim (71.4) in comparison to the national average of 28.9.

Crimes against Children Data under Indian Penal Code, 1860 (Incidence: 77,382)

4. From offences under the IPC, after Kidnapping and Abduction of children, Insult to the Modesty of Women (8,199 out of 77,382) Assault on women with intent to outrage her modesty (4110 out of 77,382) has the highest number of cases. In 2019, the number of cases registered under Kidnapping and Abduction of children was 69,075, implying a decrease of 20.6% during 2020 over 2019. However, decrease in registration of cases may not necessarily mean decrease in instances/crimes.
5. Interestingly, in 2020, 11,051 cases were registered under kidnapping and abduction of minor girls to compel her for marriage, while in 2019, the total number of cases were 15,649, thus showing a decrease of 29%.
6. With respect to Kidnapping and Abduction of children, Maharashtra has reported the highest number of cases in the country, followed by West Bengal (7,079) and Madhya Pradesh (7,058).
7. For the purpose of comparative analysis, Table 1 shows the number of cases registered under various offences/crime heads under the IPC in the last four years, viz., 2017-2020.

Table 1: IPC Crimes against Children

Crime Head under the Indian Penal Code, 1860	2017	2018	2019	2020	% Variation in 2020 over 2019 (2020-2019)/2019*100
Murder	1,393	1,497	1,409	1,420	0.7
Abetment to Suicide	241	228	244	281	15.1
Attempt to Commit Murder	271	323	428	336	-21.49
Infanticide	73	56	73	79	8.21
Foeticide	115	128	137	109	-20.43
Exposure and Abandonment	899	876	896	747	-16.6
Simple Hurt	2,945	2,847	3,305	3,255	-1.51
Grievous Hurt	924	317	957	631	-34.06
Kidnapping and Abduction of Children	54,163	62,668	69,075	54,785	-20.68
Human Trafficking	330	435	477	348	-27.0
Selling of Minors for Prostitution	81	42	24	14	-41.66
Buying of Minors for Prostitution	4	8	8	1	-87.5
Rape	10,059	9,312	4,940	2,640	-46.55
Attempt to Commit Rape	457	445	336	295	-12.20
Assault on Women with Intent to Outrage her Modesty	8,269	8,030	4,228	4,110	-2.79
Insult to the Modesty of Women	312	172	100	132	32
Other IPC Crimes	12,278	11,346	10,648	8,199	-22.9

Crimes against Children Data under Special and Local Laws (Incidence: 51,149)

8. 47,221 cases are registered under the POCSO Act in the year 2020, as compared to 47,335 cases in the year 2019, showing a decrease of 0.24% during 2020 over 2019. Even as percentage of all SLL crimes against children, the share of offences under the POCSO Act shows a slight decline from 93% in 2019 to 92.3% in 2020.
9. The highest number of cases registered under the POCSO Act are under Sections 4 (Punishment for Penetrative Sexual Assault) and 6 (Punishment for Aggravated Penetrative Sexual Assault) or Sections 4 & 6 POCSO r/w Section 376 (Punishment for Rape) IPC [28,065 out of 47,221], followed by Sections 8 (Punishment for sexual assault) and 10 (Punishment for Aggravated Sexual Assault) of POCSO Act or Section 8 and 10 of POCSO r/w Section 354 (Assault of criminal force to woman with intent to outrage her modesty) IPC [15,692 out of 47,221].
10. Madhya Pradesh had reported the maximum of such cases under Sections 4 and 6 of POCSO Act or Section 4 and 6 POCSO r/w Section 376 IPC (3259 cases), followed by Maharashtra (2785 cases) and Uttar Pradesh (2,630 cases).
11. Amongst the other Special and Local Laws, Juvenile Justice Act, 2015 saw an incidence of 1713 cases followed by 842 cases of Cyber Crimes under Information Technology Act and 785 cases of Child Marriage under Prohibition of Child Marriage Act, 2006. Under Child Labour (Prohibition and Regulation Act, 1986) total incidence of cases was 476 and under Immoral Trafficking Prohibition Act, 1956 the number was 28.
12. Under Prohibition of Child Marriage Act, 2006, Karnataka has registered the maximum number of cases (184 out of 785), followed by Assam (138) and West Bengal (98).
13. For the purpose of analysis, a comparative table of incidence of crimes under SLL from 2017-2020 can be seen in Table 2.

Table 2: Incidence of SLL Crimes against Children

Special and Local Laws	2017	2018	2019	2020	% Variation in 2020 over 2019
POCSO Act,2012	32,608	39,827	47,335	47,221	-0.24
Juvenile Justice Act,2015	2,452	2,030	1,968	1,713	-12.95
Prohibition of Child Marriage Act, 2006	395	501	525	785	49.52
Child Labour (Prohibition and Regulation Act, 1986	462	464	770	476	-38.18
Cyber Crimes under Information Technology Act, 2020	79	117	164	842	413.41
Immoral Trafficking Prohibition Act, 1956	34	41	22	28	27.27
Transplantation of Human Organs Act	0	0	0	0	-
Other SLL Crimes	188	54	116	84	-27.58

Police Disposal of Cases (1,29,820 out of 2,10,149 cases)

14. For the purpose of calculating total number of cases for investigation in current year, NCRB uses cases that are pending investigation from previous year+ cases reported during the current year+ cases reopened for investigation.
15. According to the 2020 report, the total number of cases for investigation was 2,10,149. Out of these, a total of 80,235 cases were pending investigation at the end of the year 2020. Rest 1,29,820 cases were disposed of by the Police (includes cases charge sheeted out of cases from previous year), 84 cases were quashed at the investigation stage and 10 cases were withdrawn by the Government during investigation.
16. The maximum number of cases pending investigation from previous year was under Kidnapping and Abduction of children (44,400 out of 60,112).
17. Out of the 1,29,820 cases that were disposed of by the Police, Final Report was submitted in 44,485 cases and in 85,185 cases charge sheet was filed [Table 4A.3]. Maharashtra had the highest number of cases where Final Report was submitted, while Uttar Pradesh had the highest number of cases where chargesheet were submitted: 12,105 out of 85,185, followed by Madhya Pradesh (11,601 cases) [Table 4A.4, Page 332].

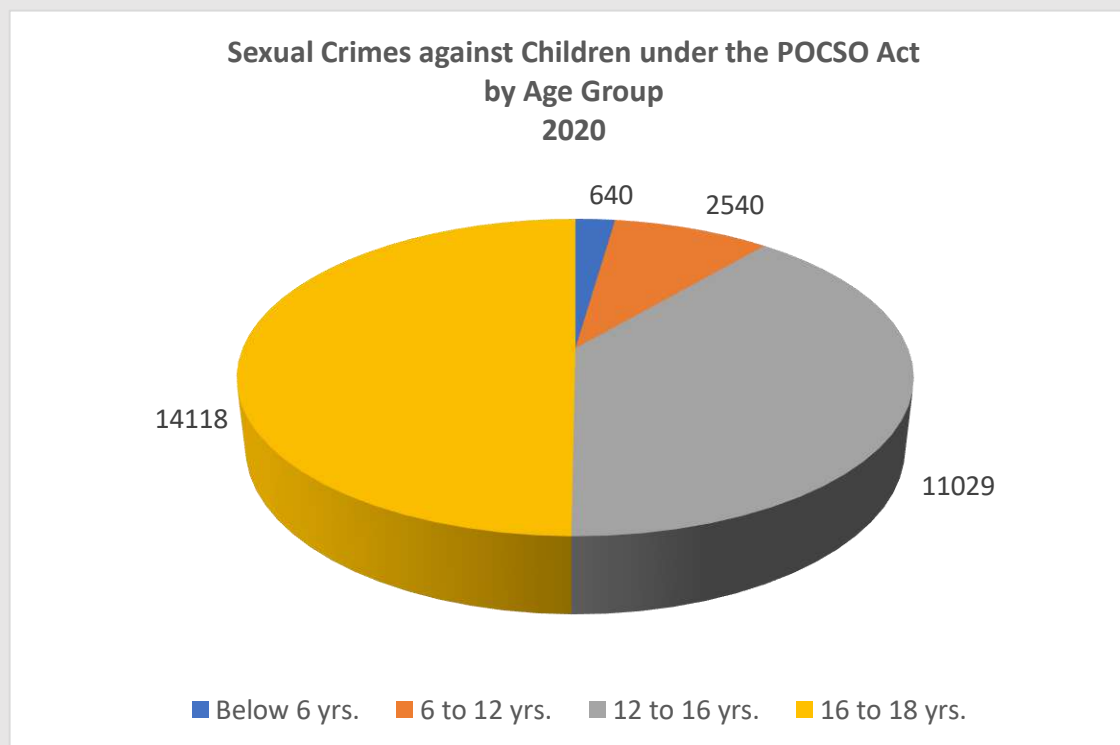
18. State and Union Territory wise, Maharashtra had the highest number of cases pending investigation from previous year (17,147 out of 81,508) followed by Delhi (9,016) and Bihar (6593). Ladakh had the lowest number of cases pending investigation from previous year (2) [Table 4A.4, Page 330].
19. Madhya Pradesh had the highest number of cases reported in 2020 (17,008 out of 1,28,531) followed by Uttar Pradesh (15,271), Maharashtra (14,371) and West Bengal (10,248). Ladakh had the lowest number of cases (2) reported for the year 2020 [Table 4A.4, Page 330].
20. Percentage of pending cases is highest in Ladakh (100%) followed by Manipur (89.4%) It is lowest in Andaman and Nicobar Island (5%). For further insight, total cases disposed by the police in Ladakh WA0 out of total 4 cases and 151 out of 159 cases in Andaman and Nicobar [Table 4A.4, Page 333].

Court Disposal of Cases (21, 895 out of 4,38,308 cases)

21. According to the 2020 Report, a total of 21, 895 cases were disposed of by the Courts.
22. A total of 4,38,308 cases went to trial (includes cases pending trial from previous year + cases sent for trial during the current year 2020), out of which in 20,783 cases trials were completed. A total of 1,112 cases were disposed of without trial, making the total disposal 21, 895. 4,16,413 cases were pending trial at the end of the year (2020) [Table 4A.5, Page 341].
23. The all-India conviction rate has increased from 35.2% in 2019 to 45.1% in 2020.
24. All India acquittal rate has decreased from 57.6% in 2019 to 49% in 2020.
25. For cases registered under the IPC, maximum number of cases pending trial from previous year was under Kidnapping and Abduction (98,880 out of 2,03,285) [Page 334] and from the SLL under Section 4 & 6 of POCSO Act or Section 4 & 6 POCSO r/w Section 376 IPC (78,043 out of 1,49,838) [Page 338].
26. For cases registered under the IPC, maximum number of cases sent to trial during the year 2020 were of Kidnapping and Abduction (18,350 out of 37,631) [Page 334] and from cases registered under the SLL, maximum number of cases sent to trial during 2020 were from Section 4 & 6 of POCSO Act or Section 4 & 6 r/w Section 376 IPC (26,508 out of 47,554) [Page 338].

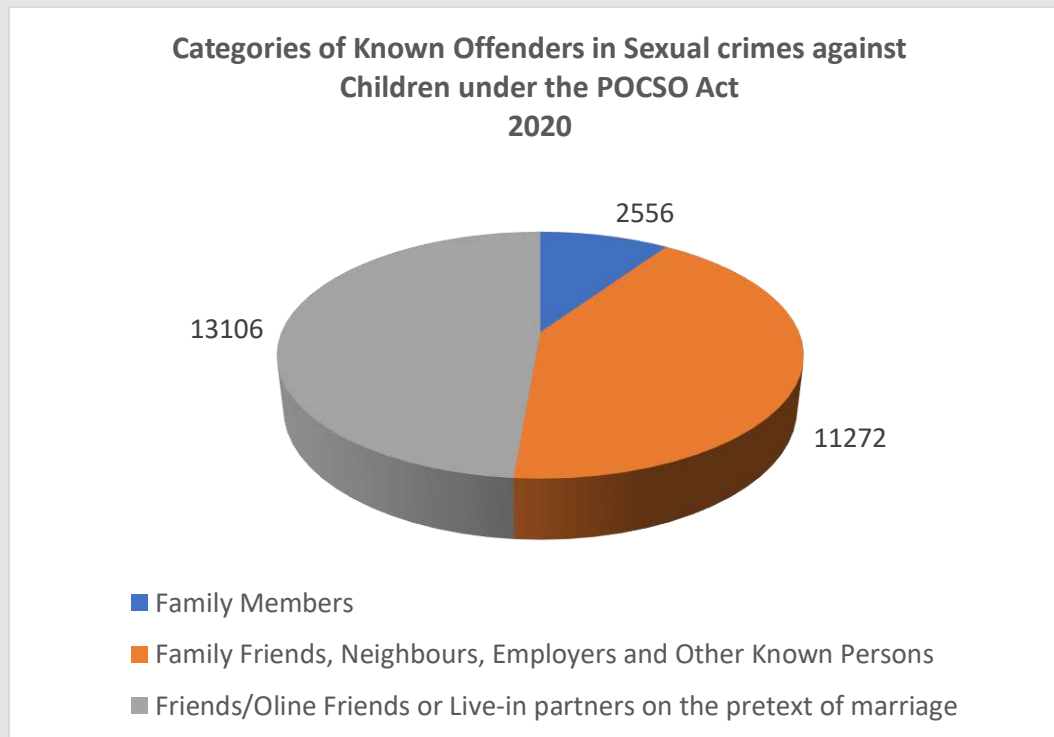
- 27. State and Union Territory wise, Uttar Pradesh has the highest number of cases (4,551 out of 20,783) where trials have been completed followed by Madhya Pradesh (3,077) and Rajasthan (1,412). Highest number of cases disposed of is by the court of Uttar Pradesh (4,556 out of 21,895) followed by Madhya Pradesh (3,483) and Rajasthan (1,433).
- 28. Uttar Pradesh has the highest number of cases pending trial (67,264 out of 4,16,413) followed by Maharashtra (57,585) and Madhya Pradesh (50,914).

Age Profile of Child Victims of POCSO Act



Offenders Relation to Child Victims of POCSO Act (Section 4 & 6)

29. Out of the total 28,065 cases under Sections 4 & 6 of the POCSO Act, 2012, in 26,934 cases the offender was known to the child.



30. Interestingly, in 9 States and Union Territories namely Mizoram, Nagaland, Rajasthan, Sikkim, Tripura, Andaman and Nicobar Islands, D & N Haveli and Daman and Diu, Jammu and Kashmir and Lakshadweep, ALL offenders under the POCSO Act are persons known to the child victims.