



Case Studies on **Child Rights & Protection: Medico legal Approach**

By

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Outline

- POCSO Act, 2012
- Juvenile Justice Act, 2015
- Right of Children to free & compulsory education Act, 2009
- Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
- Prohibition of Child Marriage Act, 2006
- Child Trafficking Sec 16 POCSO & Sec 370/370A IPC
- CARA 2017 – Central Adoption & Regulatory authority



Outline

- Let's learn

Child Rights & Child protection systems & Medicolegal principles in Child Abuse & Child Sexual Abuse through case scenarios

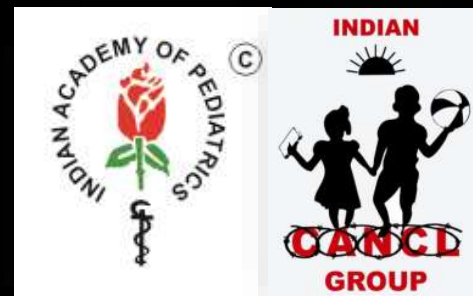


Child Protection Systems

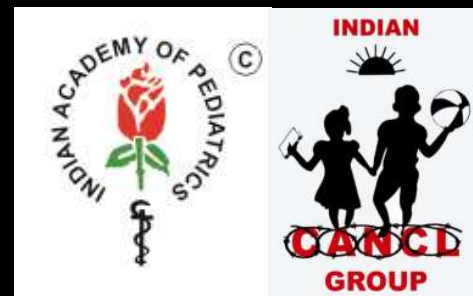
- Special Juvenile Police Unit or local police
- Members of Child Welfare Committees
- Interpreters, translators and special needs educators
- Social workers, support persons and NGO workers
- Child development experts
- Advocates - legal aid lawyers and public prosecutors
- Judges and staff of Special Courts



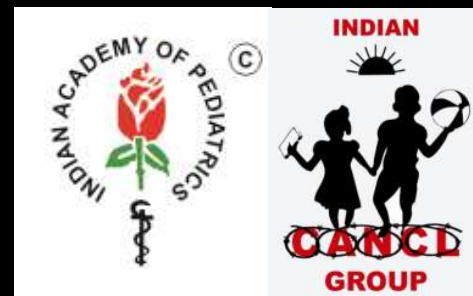
- **Case** – Teenage pregnant girl is attending an antenatal clinic along with her husband for anaemia related complications requiring immediate blood transfusion.
- **How do you approach this case?**
- **Child marriage**
- **Child pregnancy**
- **Medical emergency**



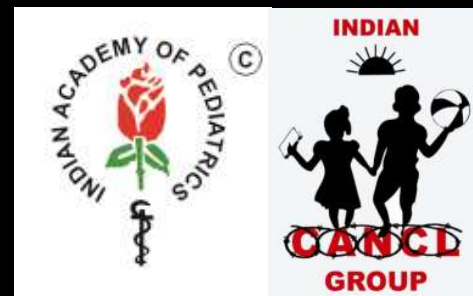
- **Case** – Seventeen year old girl seeks STI care and age certificate as adult from a doctor. On probing the doctor finds she is trafficked from neighbouring state and currently she resides in a brothel. She is not provided with proper food and also tortured every day by the brothel owner to force her into prostitution. **How do you approach this case?**
- **Mandatory reporting – Trafficking / POCSO**
- **Sec 16 POCSO & Sec 370 / 370A IPC**
- **Child in need of care and protection V Child in conflict with law**



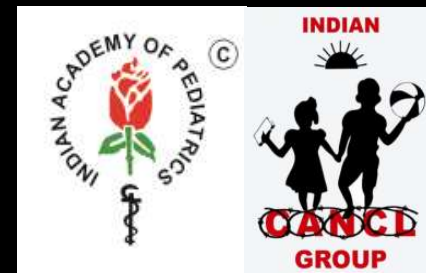
- **Case** – Police raid a hotel premises and find certain under aged individuals working. Hotel owner produces age certificates and fitness certificates issued by a private doctor. But Police challenge these certificates and those individuals are produced government doctor for medical examination, age estimation and fitness to work. **How do you approach this case?**
- **Child Labour Act**
- **Age proof**
- **Medical fitness**



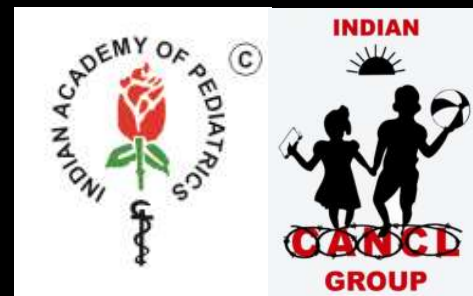
- **Case** – A child care institute manager is disciplining the children by scolding them. Disobedient children are also denied sweets and eggs. Children were disturbed and were also depressed. Children have disclosed to you as a part of health checkup when they are brought to you. What is your role?
- **Sec 75 JJ Act 2015** – Cruelty to child
- **Sec 82 JJ Act 2015** – Corporal Punishment
- **Section 17 RTE Act 2009** – bans mental harassment & Physical punishment
- Section **321 to 328 IPC, 326A & 326 IPC**



- **Case** – A **male nurse** who conducted the delivery of an unwed mother expresses interest to adopt that **girl child** delivered which was a **HIV positive**. Unwed mother agrees to handover the child to the male nurse in **exchange of money**. **How do you approach this case?**
- **Adoption - CARA, SARA** Hindu
Adoption Maintenance Act 1956 / JJ Act 2015
- **Baby – screening for ?? diseases**
- **Adopting parents – Religion / Marriage / Children / Health status**
- **Status of adopted child – later biological child?**



- Guardianship and Wards Act, 1890
- **CARINGS**
 - Child Adoption Resource Information & Guidance System
- **CARA guidelines 2017**



- **Case** - A school dropout child was found being molested by Village headman. Police booked a case under POCSO Act and have forwarded the child for age estimation to book it as an aggravated offence.

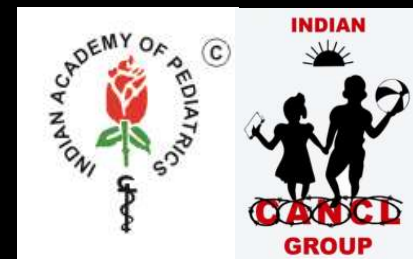
When / How / Who will conduct age estimation?

Documentary proof V **Medical** age estimation

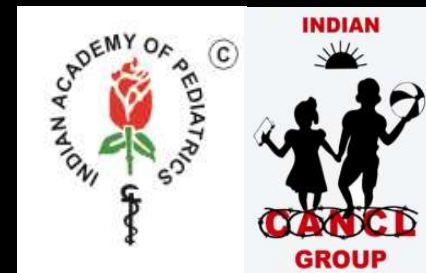
SC order & Sec 94 JJ Act

Victim V Accused

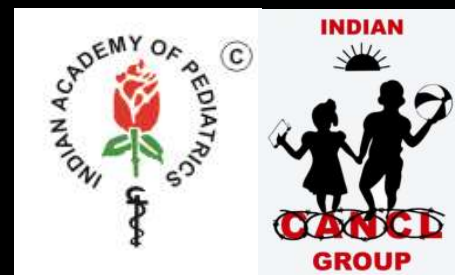
Panel – tests – **benefit for child**



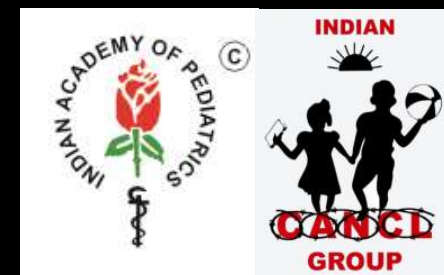
- **Case** – 17 year old boy approaches the doctor for treatment of **Sexually transmitted infection** and also asks doctor for **contraceptive advice** for himself and his partner. On probing about his partner doctor finds out that he is in love with his lady teacher (19 years old) at college for last two years and they have sexual relations often. **What is doctor's approach towards the boy & teacher?**
- **Mandatory reporting** against teacher
- **Counseling & treatment** of boy & teacher??!!



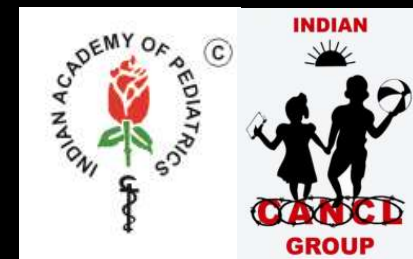
- **Case** – 15 year old sexual assault victim along with her mother approached a public hospital for MTP. Doctor asked them to come to his **private clinic** in the evening so that he could **avoid mandatory reporting** but would **do it free** of cost. **Is it correct procedure?**
- After doing MTP the doctor handed over the foetus to the mother and asked them to **dispose of the foetus in a nala (drainage)** on their way back home citing **strict Biomedical waste disposal rules**, **Is it correct procedure?**



- When mother went to dispose the foetus into a nala it's then a patrolling police vehicle caught them and enquired. To their surprise police found the foetus was **female** . Mother and daughter traced all this to the doctor. so the police charged the doctor for
 - **Violating Mandatory reporting**
 - **Female feticide under PCPNDT**
 - **Violating Biomedical waste disposal rules**
 - **Tampering Medical records**, as this doctor had made records as if MTP conducted on mother instead of minor daughter
 - **What would you do in such a situation?**

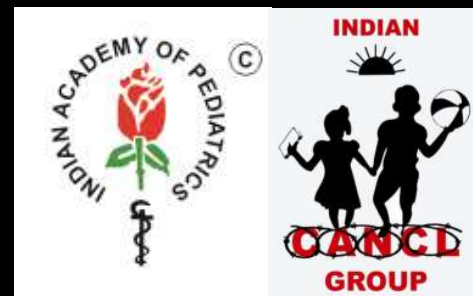


- **Case** - Minor boy was found molesting another minor girl in a school. The parents of minor boy approach you.
What should you do?
- Mandatory reporting ?!
CrPC **V** JJ Act (Juvenile Justice Act 2015)
Sec 15 **Child as Adult** Child
in **conflict with law V** Child in
need of care & protection
- **Counselling** – Therapeutic **V** Forensic



To conclude...

- Case Studies on Child Rights & Protection:
Medico legal Approach



Thank You

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