

## ‘ENSURE CHILD VICTIM’S PRIVACY’

Relevant for: Developmental Issues | Topic: Rights & Welfare of Children - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

A child victim of a sexual offence, whose identity is disclosed in the media, may “very well be in need of care and protection”, Supreme Court judge, Justice Indira Banerjee, said in a judgment on Monday.

“Disclosure of the identity of the child in the media may also expose the child victim to vindictive retaliation by the perpetrators of the crime or their accomplices,” Justice Banerjee said in her opinion.

The Bench, which included Justice J.K. Maheshwari, was split in their opinion in a case under Protection of Children from Sexual Offences (POCSO) Act.

“Every child has the inalienable human right to live with dignity, grow up and develop in an atmosphere conducive to mental and physical health, be treated with equality and not be discriminated against,” Justice Banerjee wrote.

The Constitution guarantees to every child the right to live with dignity, the right to personal liberty, the right to privacy, the right to equality and/or the right against discrimination, the right against exploitation. ...The Directive Principles of State Policy, and in particular Article 39(f), cast an obligation on the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, Justice Banerjee observed.

The judge, in her opinion, reiterated Section 23 of the POCSO Act which mandates that “no reports in any media shall disclose the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child”.

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