

embargoes on goods produced by child labour. A lot of International Agreements and resolutions abolished the same on paper. Despite campaigns, movements mounted against it world wide, it is next to impossible to make a perceptible dent on the practice because it is indispensable for the very survival of poor households with no alternative sources of income, and even where there are other earning members, the additional incomes come in handy to meet emergent needs.

Yet another contributing factor of the child labour is that finding work is easier for children than it is for elders in the family.

There are yet another number of studies showing a strong correlation between child labour and poverty. In this sense, putting an end to child labour will be possible with the eradication of poverty.

Conclusion with suggestions :

- (a) It is important to put effort to know and eliminate the cause of child labour. Predominantly poverty and the level of it.

- (b) Interestingly there is some ambivalence among researchers on the question whether abolishing child labour is in the children's own interests and whether working children own best interests and whether working children can be said to be truly disadvantageous?
- (c) In the present conditions prevailing in developing countries the drastic erasing of child labour is quite impossible, therefore a via media solution of many is that to combine working with schooling and learning.
- (d) It is the immediate duty for all those nations to create necessary, healthy working conditions which would facilitate both working and learning go hand in hand with each other. This would in other way enable child to acquire skills of social integration.
- (e) I therefore feel that real remedy is not to deprive families of essential resources but to make education relevant and accessible to working children.

SEXUAL ABUSE OF CHILDREN

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India is house without doors and fence built in the midst of a dark forest. If so individuals have to either become prey of wild animals or develop individual self defence. Though self defense is a natural phenomenon it becomes meaningless if it is a compulsion. Owing to ostensible institutions meant for protection of individual and society

and equally flaunting laws individual self-defense is pushed obviously to the back seat. Especially women protection is neglected though spoken loud in laws. Government of India asserts in Constitution of India that “a duty is cast on every citizen of India to renounce practices derogatory to the dignity of women”.

Legal and Constitutional safeguards for women:

Article 14 :

Article 14 of the Constitution of India guarantees equality before law of females and males, castes and creeds, religions Hinduism, Aryanism, Christianity or Mohammedanism *etc.* It provides the State shall not deny to any person equality before law or the equal protection of laws. The status of women as half to men under the Muslim Law has not been accepted as true law under the Constitution of India. Disproportionate remuneration to males and females under industrial or any employment has been refuted under this Article.

Article 15:

This Article is more clear on treatment of discrimination of any sort. It provides prohibition of discrimination on grounds of religion, race, sex, caste or place of birth. It madantes that

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (2) No citizen shall on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability liability, restriction or condition with regard to—
 - (a) acces to shops, public restaurants, hotels and places of public entertainment;
 - (b) those of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.
- (3) Nothing in this Article shall prevent the State from making any special provision for women and children.

- (4) Nothing in this Article shall provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.

Article 16

Article 16(1) and 16(2) prohibits discrimination in general and gender discrimination in matters of Public Employment to promote equality, Article 15(3) provides that the State is free to make, any special provision for women and children.

Part IV of the Constitution of India provides for the Directive Principles of State Policy, which includes Article 39(b) of the Constitution which provides that State directs its policy towards ensuring equal pay for equal work for men and women. Section (a) of the same Article provides that the State shall, in particular direct its policy towards securing that citizens, men and women equality, have the right to an adequate means of livelihood. Section (c) requires that the State secure the health of workers.

Centre of Feminist Legal Research Centre, KARMIKA., and the Centre for Social Research, four Indian non-governmental organizations have prepared a report which enclosed submissions for the Human Rights Commission. In its report, the Government of India is silent on the issue of trafficking in women and girls. This is alarming considering the number of women girls affected. In Bombay alone, it is estimated that there are more than seven lakhs prostitutes, 90% per cent of whom are indentured slaves and 20% of whom are under the age of 18. Some are young as 9 years old. Many girls and women trafficked are brought across *India's borders a large from Nepal.*

The Indian Penal Code may soon discard its rather naïve perception of what constitutes 'rape', if a Bill being drafted by Home Ministry gets the parliamentary go-ahead. A law that does not even take a note of forced

anal and oral sex as an offence is undeniably inept in a climate where a crime against women is estimated to take place for every three minutes, and a rape every half – hour. The Government's proposed move to fill legal lacunae and define and specify punishment for these, as well as marital rape, will tremendously strengthen legislation on sexual assault.

In Laxmanpur-Bathe, Bihar women were raped and mutilated before being massacred by members of Ranvir-Sena in 1997; In Bihar and Tamil Nadu women have been beaten, arrested and sometimes tortured during violent search and raid operations on Dalit villages in recent years. Nowadays it has become common that the women of those families where their male members involved or suspected to be involved in various crimes are taken to custody and later subjected to terrible harassments, sexual abuses and also rapes.

In recent years, cases documented by Indian National Council for Women, by Local and National and Non-Governmental Organisations for Women Rights and by press, reveal a pattern of impunity in attacks on women consistent with our findings. In all cases of attacks on women documented in this report, the accused, state and private actors escaped punishment in most cases, attacks were neither investigated nor prosecuted.

Commercial Sex Exploitation:

The Commercial Sex Exploitation of Indian Children is widely discussed by Civil Society Groups, Law Enforcement Agencies, Legislatures and other stake holders working on child rights issues. Despite this Indian Laws and other implementation have not effectively combated the increasingly sophisticated means employed to exploit and abuse children.

India's Laws related to the commercial sexual exploitation are a piecemeal, and their

enforcement procedurally complicated. Indian Laws fail to specifically define and prohibit acts that result in

- (a) Child prostitution,
- (b) Child trafficking for sexual purposes
- (c) The possession, creation, display and
- (d) Distribution of pornographic images.

Thus, children entitled to legal protection are not afforded them and child exploiters and abusers not prosecuted for sexual crimes against children.

Indian Laws also lack specific procedures for reporting, prosecuting cases involving sexual crimes against children.

Suggestions:

- a. Legislation which gives comprehensive definition of rape and sexual abuse be drafted and enacted.
- b. A comprehensive law be drafted and enacted that defines and prohibits commercial sexual exploitation of children in all its forms.
- c. Indian Law be harmonized to define a child as any person under 18 years of age, in accordance with International law.
- d. Guidelines and protocols be developed to ensure that children involved in legal proceedings have access to legal assistance and appropriate social services.
- e. Child friendly legal procedures are drafted and adopted, such as mandatory incamera hearings for child witnesses and the use of video conferencing to take testimony.
- f. Sufficient number of quality protective homes be established for child victims in need of care and protection.