

CHILDREN AND SOCIAL EXCLUSION IN INDIA

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India has come a long way since Independence. From a fledgling country struggling with the need of an established sovereignty, we learned to deal with complex issues like ethnic, caste, communal and language divisions. With that came the desire to be self-sufficient and show the world that we could do it all and we could do it alone. Many Plan periods were spent focusing on welfare until the development and then the liberalization phases took over. Suddenly the country had wings and was poised to take off! The last 15 years have seen remarkable changes in the country and in the quality of our lives.

One of the fundamental changes the new India is seeing is a realization that governance is not a matter of welfare but a matter of right. The people of the country demand better governance, better infrastructure, improved services, more jobs, good quality health services and greater protection because it is their right and the duty of the Government to provide for them. The people are awakening to their rights and where they do not get the service, they are demanding it through public interest litigations, socially conscious journalism, pressure groups, vocal neighborhood committees and civic forums and so on. This has dramatically raised the level of awareness and got those responsible for providing services thinking and moving. This wonderful movement has led to great changes in both the approach and expenditure in the social sector as is evident from the schemes and the increasingly high level of expenditure on social issues like poverty alleviation, employment generation, education, empowerment of local bodies etc. However, in all this good news there is one challenge, which calls for greater attention than has been possible so far, and that is "Child Protection". "Child Protection" means the creation of a protective environment in the home, school, community and society so that children are protected from all kinds of harm and harmful situations. It means providing a safety net for those children who are more vulnerable than others and who need special care and protection. It must be understood that a child's right to protection is part of each other right and it is not possible to ensure the other rights without ensuring protection.

Social exclusion has been the result of marginalization and absence of opportunities and institution to access right and performs effectively, due to continued disadvantages in a hierarchical social system. Active inclusion strategies include provision of minimum income, education, services, and safety nets, with adequate labour market participation and institutional protection of rights, access, and opportunities to resources. This paper has attempted, to assess the magnitude and forms of child abuse in India; children exclusives in the world. Government as children in difficult circumstances. The fall in the sex ratio in several of the states due to on preference and foeticide & Recommend strategies and measures for further streamlining child development policies and programmes for conducting field study based on Primary as well as secondary data.

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I

Introduction

India has come a long way since Independence. From a fledgling country struggling with the need of an established sovereignty, we learned to deal with complex issues like ethnic, caste, communal and language divisions. With that came the desire to be self-sufficient and show the world that we could do it all and we could do it alone. Many Plan periods were spent focusing on welfare until the development and then the liberalization phases took over. Suddenly the country had wings and was poised to take off! The last 15 years have seen remarkable changes in the country and in the quality of our lives.

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Overall Goal

To develop a comprehensive understanding of the phenomenon of the child abuse, with a view to formulating appropriate policies and programmes in order to effectively curb and control the problem of child abuse in India.

Specific Objectives

The specific objectives of the study are as follows:

1. To assess the magnitude and forms of child abuse in India;
2. Children Exclusives in the World.
3. Government as children in difficult circumstances
4. Recommend strategies and measures for further streamlining child development policies and programmes.

Methodology: Selection of the Sample Children

For conducting field, study based on Primary as well as secondary data. The Primary data collected from Karnataka. The total sample size is 100 children, from Bengaluru Urban selected randomly from each places equally from different categories. Literacy has been taken as an indicator, as it is expected that higher the level of literacy. The data collection through the group discussion with children was the responsibility of the investigator.

II

Operational Definition of Child Abuse

Child abuse refers to the intended, unintended and perceived maltreatment, whether habitual or not, of the child which includes May of the following:

- Psychological and physical abuse, neglect, cruelty, sexual and emotional maltreatment.
- Any act, deeds or a word that debases, degrades or demeans the intrinsic worth and dignity of a child as a human being.
- Unreasonable deprivation of his/her basic needs for survival such as, food and shelter; or failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or in his/her permanent incapacity or death.

Forms of Child Abuse

The various forms of abuse specified for the study included:

- Emotional abuse (also known as verbal abuse, mental abuse, and psychological maltreatment) includes acts or the failures to act by parents, caretakers, peers and other that have caused or could cause serious behavioural, cognitive, emotional, or mental distress/trauma.
- Physical abuse is inflicting of physical injury upon a child. This may include, burning, hitting, punching, shaking, kicking, beating, forcing the child to beg, or otherwise harming a child.

- Sexual abuse is the inappropriate sexual behaviour with a child. It includes fondling a child's genital, making the child fondle the adult's genital, intercourse, incest, rape, sodomy, exhibitionism, pornography and sexual exploitation. To be considered child abuse, these acts have to be committed by a person responsible for the care of a child (for example a baby-sitter, a parent, neighbour, relatives, extended family, peers, older children, friends/strangers or a day care provider) or related to the child. If a stranger commits these acts, it would be considered sexual assault and handled solely by the police and criminal courts.
- Substance abuse includes forcing or allowing the child to take/sell drugs, get involved in drug peddling and trading, take alcohol or any other forms of addiction which retards the child's physical and mental growth.
- Child neglect is an act of omission or commission leading to the denial of the child's basic entitlements/needs. Neglect.

III

Children Exclusives in the World

Study on Children

Every year, the world's urban population increases by about 60 million, half of which lives in **Asia**. India currently has an estimated population of 377 million people and by 2026, 40% of its total population is projected to be living in the urban areas. The **UNICEF** in its report, *The State of the World's Children 2012: Children in an Urban World*, focuses on issues such as urban disparities, gender gaps and exclusion that children in the urban world face. Besides other areas, the report highlights the condition of the girl child. More than one billion children and counting, live in urban settings. Urban advances have been uneven, leaving millions of children in marginalized settings to confront daily challenges and deprivation of their rights. Children in urban areas are often better off than their rural counterparts thanks to the better standards of health, protection, education and sanitation. Some disparities transcend location. Girls growing up in poor households are disadvantaged regardless of whether they live in urban or rural areas. In the Republic of Benin, **Africa**, girls in urban and rural areas who come from the poorest 20% of the population receive less than two years of schooling, compared to three to four years for their male counterparts and about nine years for the richest boys in **Baby with six legs** born in **Pakistan**. More than one billion children and counting, live in urban settings. Urban advances have been uneven, leaving millions of children in marginalised settings to confront daily challenges and deprivation of their rights. Children in urban areas are often better off than their rural counterparts thanks to the better standards of health, protection, education and sanitation.



Baby with Six Legs Born in Pakistan

However, in **Pakistan**, the difference in education between the poorest boys and girls is about three years in rural areas and about a year in the urban settings. The gender gap is more pronounced for poor girls in urban **Tajikistan**. On an average, girls receive less than six years of education, compared to about nine years for poor girls in rural areas. Interestingly, the gender gap is reversed in **Venezuela**, where the poorest boys in urban areas receive the least education less than three years of schooling, compared to four and a half years for the poorest girls in urban settings and about six and a half years for the poorest boys and girls in rural areas.

IV

Government as Children in Difficult Circumstances

- Homeless children (pavement dwellers, displaced/evicted, etc.)
- Orphaned, abandoned and destitute children
- Children whose parents cannot, or are not able to take care of them
- Street and working children
- Child beggars
- Victims of child marriage
- Trafficked children

- Child prostitutes
- Children of prostitutes
- Children of prisoners
- Children affected by conflict
- Children affected by disasters both man-made and natural
- Children affected by substance abuse and HIV/ AIDS and other terminal diseases
- Disabled children
- Children belonging to ethnic, religious minorities and other socially marginalised groups
- The girl child
- Children who are victims of crime
- Chi 144 purposes of marriage, 414 for illicit intercourse, 101 for prostitution, 92 for unlawful activity, 15 for adoption, 13 for sale, 20 for begging and 16 for slavery. While 47 cases involving children were reported under the Immoral Traffic (Prevention) Act, 54 cases of juvenile delinquency were reported under the Narcotic Drugs and Psychotropic Substance Abuses Act 10. The NHRC report states “it is bewildering to note that in India, on an average, 44,476 children go missing every year and that out of these, 11,008 children remain untraced annually”. This indicates that many of these persons may have been trafficked.
- Refugee and migrant children.

Domestic Labour

An area of concern is the trafficking of children for domestic labour. The existing Child Labour (Prohibition and Regulation) Act, 1986 does not address the issue of children in domestic work. Yet domestic work is hazardous and often children who are trafficked as domestic labour face physical abuse and sexual exploitation. The Child Welfare Committee in Nirmal Chhaya, Tihar Jail Complex, Delhi, has expressed serious concern at the increasing phenomenon of child trafficking and states that in most cases children brought to it are found to be trafficked for domestic labour.

Child Marriage

The custom of child marriage is an age-old one and the information in the media about young girls being bought and sold for marriage is not new. All trafficking of girls in the name of marriage is not for the purposes of marriage. Marriage is a means of recruiting young girls for prostitution and labour. In most cases the grooms are married men, often twice the age of the girls. Girl brides are therefore forced to become part of the labour force for agricultural purposes and care of domestic animals. This is their job during the day, and at night they are required to cater to the sexual needs of the so-called husbands and other male members of the family.

V

Table: The fall in the sex ratio in several of the states due to on preference and foeticide, has

<i>Crime Head/Year</i>	<i>Year</i>					
	2000	2001	2002	2003	2004	2005
1999						
Kidnapping and Abduction	6882	6562	5589	1986	2571	2265
Exposure and Abandonment	593	660	678	644	722	715
Procuration of minor girls	172	147	138	124	171	205
Buying of girls for prostitution	5	53	6	9	24	21
Selling of girls for prostitution	13	15	8	5	36	19
Child Marriage Restraint Act	58	92	85	113	63	93
Immoral Traffic Prevention Act	75	82	125	49	48	47
Child Rape	3153	3132	2113	2532	2949	3542
NDPS Act	9	16	52	56	62	54
Importation of girls	01	64	114	76	46	89
Grand Total	10961	10823	8908	5594	6692	7981

VI

The Social and Health Cost

The practice of child trafficking has a heavy social cost. Those trafficked endure brutal conditions and malnutrition, which cause irreparable psychological and physical harm ranging from disease (including HIV/AIDS, sexually transmitted infections, pelvic inflammatory disease, tuberculosis and scabies), stunted growth, drug addiction, abuse, and reproductive problems. Emotional problems are also common. As a result of child trafficking, victims are likely to suffer from anxiety, depression, and post-traumatic stress disorder. The cycle of trafficking is often inexhaustible. A child sold into one form of trafficking is not freed, but is sold into another form of trafficking upon entering into adulthood. Statistics show that 60 to 70 per cent of females who are trafficked into the sex trade are raped and that 70 to 95 per cent are physically assaulted. The abuses inflicted by trafficking fly in the face of a person's basic human rights. They violate the universal human right to life, liberty and freedom from slavery in all forms. Furthermore, they violate the right of a child to grow up in a protective environment and to be free from all forms of abuse and exploitation.

The link between HIV/AIDS and child trafficking is an important one to highlight. Worldwide, approximately 42 million people are living with HIV/AIDS, and the problem is on the rise in India. Around the world, prostitutes have a high incidence of HIV/AIDS and other sexually transmitted infections, and the same is true in India. Thus, trafficking has been a leading cause in the spread of HIV/AIDS. AIDS cannot be eliminated without eliminating child trafficking. Nationwide average number of girls to every 1000 boys is 927, according to the 2001 Census. However, many states show a

worse figure for example, Himachal Pradesh 896, Punjab 793, Chandigarh 845, Haryana 819, Delhi 865 and Gujarat 879. The continued discrimination against the girl child is a matter of concern. In 1901, there were 3.2 million fewer women than men. Today that figure has soared to 35 million. Sex selection is a growing practice of the affluent, raising questions about the ideology of male preference. Studies have found that while male preference is strong, many mothers prefer a balance of sons and daughters, though only 2.6 per cent report that they would be happy to have just two girls and 45.9 per cent report they would prefer to have more boys. This preference for at least one of two children to be a boy, often leads to the second girl born to a family being treated far worse than her older sister is.

The practice of female feticide is in direct violation of both the international Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 1979 and the UN Convention on the Rights of the Child (UNCRC), 1989. The CEDAW is considered equivalent to an international bill of rights for women, defining what constitutes discrimination and providing an agenda for action. Non-registration of medical facilities, the use of pre-natal diagnostic techniques, communication of the sex of the fetus, determination of sex, advertisement of sex determination, and non-maintenance of records are all actions that violate the letter and spirit of both CEDAW and UNCRC.

VII

The Government Response

The primary legislation that deals with the problem of trafficking is the Immoral Traffic Prevention Act (ITPA) of 1986. The provisions of the Indian Penal Code (IPC) further supplement this. The ITPA criminalizes the offences of selling, procuring, and exploiting any person for commercial sex as well as profiting from prostitution. It does not prohibit prostitution, but punishes solicitation. Problematically, the law has loopholes that allow for the pimps, brothel keepers, and clients to go unpunished even when they are responsible for the prostitution of girls under the age of 18. However, the proposed removal of Section 8 will increase the protection of victims by prohibiting their arrest and punishment. Other changes to the law include, but are not limited to, an amendment to Section 3 which will enhance the punishment for a person who keeps, manages, acts, or assists in the keeping or management of a brothel. The insertion of Section 5A to define the offence of "Trafficking in Persons," and the inclusion of section 5B to provide punishment for the offence are some suggested changes in the ITPA. The Bill is still under consideration and suggestions are being invited to make it a comprehensive legislation on trafficking.

The Juvenile Justice Act of 1986 did not address any offences against children. In 2000, the Government of India amended the law and called it the Juvenile Justice (Care and Protection of Children) Act, which clearly included a separate section on "Special Offences against Children" including forcing children into labour, begging,

drug abuse and sexual exploitation. The Act focuses on providing for the care, protection, treatment, education, vocational training, development and rehabilitation of children aged 6-18 years who have been rescued from prostitution. The Child Welfare Committees and protection homes authorized in each state as part of the Act provide strong support for child victims. Importantly, the Act provides for and child trafficking 47 India: building a protective environment for children requires the participation of non-governmental organizations. Voluntary institutions are responsible for contributing in the form of running children's homes.

The Child Labour (Prohibition and Regulation) Act of 1986 was introduced by the Government in 1989 and has provisions for the freeing and rehabilitation of children found in forced labour. However, the criminal sentence advised by the Act is insufficient and there is no provision to deal with trafficking of children into labour. The Act is under consideration for amendment.

A contribution to the government response has come from the Ministry of Women and Child Development, which has activated the Central Advisory Committee on Combating Child Prostitution. Monthly meetings are held in which State Committees are invited to share their action against trafficking and give suggestions for combating the problem.

Another contribution from the Government has come in the form of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002. The Convention condemns trafficking for the purpose of prostitution and provides for an agreed-upon way for South Asian countries to deal effectively and consistently with the various aspects of prevention, interdiction, and suppression of trafficking in women and children. Importantly, it provides for the repatriation and rehabilitation of the trafficked women and children. Recently consultations have been held to discuss the operationalisation of the SAARC Convention. An internal task force in the Ministry of External Affairs has been set up to formulate an action plan to operational the SAARC Convention and to set up a nodal cell for anti-trafficking measures in the Ministry of Home Affairs (MHA). This internal task force at national level will address the issue of enabling legislation, programmes and schemes. It will consist of representatives from MHA and MWCD. It will hold periodic meetings to assess the problem and draw up action plans.

A special help-line for trafficked victims and survivors may be initiated by the proposed nodal cell. Though the help-line for women does exist, victims of trafficking, because of their vulnerable position, may require a separate exclusive help-line, which is immediately connected to the local police stations or designated help centre.

State governments are planning to ensure better coordination between states to reduce delay in rescue of girls and conviction of brothel owners, pimps and traffickers. There is a need to lay down guidelines for interstate trafficking measures to facilitate coordination, especially in cases of rescue action. There is a possibility of the national

nodal cell constituting regional cells in the East, West, North and South zones, for sharing of information and intelligence between state governments and for coordinated action. This has been visualized under the nodal cell set up in the MHA.

The Government has also set up several measures for relief, rescue, protection and rehabilitation of children rescued. Among these are:

- 342 Short Stay Homes are now in operation to provide shelter, counseling, guidance, medical treatments etc.;
- The MWCD also put in place a protocol to prevent, suppress and punish trafficking in persons. This protocol is for pre-rescue, rescue and post-rescue operation and rehabilitation of child victims of trafficking. The protocol marks the beginning of a positive approach to victim protection and witness assistance.

The Government of India has taken steps to abolish female foeticide. The first legislation against female foeticide, enacted in 1978, banned the misuse of amniocentesis in government health care institutions. In 1994, a substantial legislation, the Pre-Natal Diagnostic Techniques Act (PNDT) was adopted. This Act aimed to regulate diagnostic equipment by allowing for its use only in regulated.

Child Trafficking stitution alone is thought to yield at least Rs. 315 million for the traffickers. In India, trafficking has been recognised as an organised crime and thus needs a holistic approach for its eradication. The greatest challenge in any plan for intervention is lack of a thorough understanding of the problem and the absence of reliable data on the magnitude of the problem. Even the definition of “trafficking” is still confined to trafficking for prostitution. But, as the recent National Human Rights Commission report states, “it goes beyond trafficking for prostitution”.

In 2004, the National Crime Records Bureau reported 205 cases of procurement of minor girls, 21 of buying of girls for prostitution, 19 of selling of girls for prostitution, 89 for importation of girls and 715 of exposure and abandonment. A further study of the data shows that there were 2265 cases of kidnapping and abduction in 2004, which may have been cases of trafficking. Of these, 1593 were of kidnapping and abduction for the domestic labour.

VIII

Guidelines for State Governments

1. Develop an Anti-Trafficking Policy specifying victim-friendly provisions and structures.
2. Create an Anti-Trafficking Cell at the State and District level to co-ordinate with other relevant Departments and NGOs on the issues pertaining to trafficking, especially on the rescue and rehabilitation of child victims of trafficking for commercial sexual exploitation.

3. Create a Database on traffickers, brothel owners, informants, decoy customers, number of cases registered, status of each case, source and destination areas in the State/District and any other relevant information. The information in the Database should be kept confidential and should be imparted only to genuine information seekers.
4. Form Community Vigilant Groups (CVGs) at the Community level. The CVGs can help in rescue and rehabilitation of victims at the community level.
5. Assign sufficient number of police personnel especially women police personnel for the rescue operations.
6. Prominently display signboards in hotels, tourist places, restaurants, beaches, airports, bus stands, railway stations and other susceptible places, warning people against trafficking and use of children for commercial sexual exploitation. In case, any child is seen under suspicious circumstances in these places, the informant should inform the Police/CHILDLINE/NGO immediately.
7. Repatriate the victim from the destination State to the Home State. The State would be responsible for transportation and all expenses towards travel for the victim and escort, food and incidental would be met by the State Government. The State Government should provide a separate budget for repatriation of the victims.
8. Give adequate publicity, through both print and electronic media, on child-lines and women help-lines over a sustained period of time.
9. Declare names of fit people and fit institutions, where victims of trafficking can be kept in safe custody. The list should be circulated to all Police Head Quarters, Police Stations at State and District Levels, Courts and NGOs.
10. Declare fit institutions where mentally challenged or ill child victims and women can be kept in safe custody and proper medical treatment can be provided.
11. Issue directives that all Court proceedings related to child victims of trafficking are carried out in-camera.
12. Assign trained Child Welfare Officers in every Police Station.
13. Every Police Station should have separate clean and hygienic toilet(s) for women.

Conclusion

Above all, if the equality of services and the opportunities that matter, than a simple provision of them. The full inclusive policy should at bringing the vulnerable groups on the margins to the core of the society. Apart from the legal and the public services provisions, the role of social NGOs should be strengthened to build an inclusive society.

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