

COUNTRY PAPER

INDIA

RITA PANICKER

PAPER PRESENTED AT THE FIRST ASIAN CONFERENCE ON CHILD
EXPLOITATION AND ABUSE -- CALCUTTA, 17-19 DECEMBER, 1990.

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INTRODUCTION

In the four decades of development planning India has achieved some substantial results in terms of aggregate economic growth and in various technical fields. All the same there is much to be desired in the area of social development. India remains one of the poorest countries with a per capita income of US \$300, an average which does not reveal the wide disparities nor the physical quality of life of the majority of the people.

The population of India has increased from 342 million since independence (1947) to 685 million in 1981 and is estimated to be 837.25 million by 1991 (Source, Registrar General). The implications of such a population growth are additional needs of employment, food, shelter, health care and schooling.

The estimated Infant Mortality Rates for the country is 102 in rural areas, 61 in urban and combined 94 (Source, Registrar General, Sample Registration System).

According to the 1981 Census, India has 272 million children between the ages of 0-14, which nearly accounts for 42% of the population. Out of this 97 million are below 5 years of age. 175 million children should be in schools as per mandate of Article 45 of the Constitution of India which obliges the state to ensure that all children under 14 years of age are in schools. Whereas, only 42.69 million children were attending schools (1981 Census). The majority i.e. 132.31 million were not in schools in 1981.

in India to ban sex determination tests. A proposed central legislation banning sex determination tests to prevent its misuse for female foeticide is being introduced in the forthcoming winter session of Parliament (27th December 1990 to January 10th 1991).

The legislation also seeks to ban all advertisements of such pre-natal techniques while permitting the use only in approved and licensed genetic counselling centres, laboratories and clinics. Violation of the legislation will be considered a "cognisable, non-bailable and non-compoundable" offence.

While banning the use of pre-natal diagnostic techniques for predicting the sex of the foetus, the bill also stipulates that these tests can only be used for detecting specific abnormalities and under specific conditions.

A 15-member central supervisory board, headed by the health minister and comprising officials, experts, representatives from the states and voluntary organisations, is also to be set up. According to the legislation, this board will be required to review the implementation of the legislation, suggest improvements, recommend necessary changes and create public awareness against female foeticide.

Besides, the bill also provides for punishment for those violating its provisions. The owner of a centre or a clinic, conducting the tests without registration, can attract simple imprisonment for two years and a fine of Rs.10,000 for the first offence, to be extended to five years and a fine of Rs.50,000 for a subsequent offence. The doctor, who contravenes the bill's provisions, shall be reported to the medical council for appropriate

her due not only to make her a better mother (as that seems to be the only role emphasized - both by the educationist and health activists) and more worthwhile contributor to society but simply because it is her right.

CHILD ABUSE

In India, we have not given much attention to the issues of child abuse because of a lack of sensitivity to the problem in our society. This lack of sensitivity is related to our social and cultural values regarding the position of a child and his/her rights in the family, community and society at large.

Due to this low priority there is a dearth of data on the nature and magnitude of the problem resulting in not having a clear policy on child abuse and programme interventions for its prevention and management. Nevertheless the available data does indicate that the main reasons behind child abuse are -- lack of education, unemployment, poverty, divorce, separation, unstable family, early marriage, oppressive childhood experiences, severe parental control, etc.

The Indian Constitution does contain provisions for safeguarding the interests of children and protecting them against cruelty and exploitation. Article 39(F) of the Constitution enjoins the state that it shall in particular direct its policy to ensure that childhood and youth are protected against exploitation and against moral and material abandonment. Indian Penal Code too deplores child exploitation and considers exposing a child below 12 years to physical

Media has a very important role to play in the prevention of child abuse particularly in creating mass awareness about the problem.

So, the challenge in this sector is indeed a considerable one starting from putting together the data on the magnitude, dimensions and forms of child abuse to formulating policies and programme and initiating actions from preventing children from being exploited.

WORKING CHILD

Collecting accurate data on the numbers of working children in the world is difficult and estimates vary widely depending very much on the definition of work. Every estimate of child labour falls far short of the actual. There are such limitations as multiplicity of concepts, methods of estimation and the sources of data.

In India there are three figures to go by, Government of India estimates it at 18 million whereas Operation & Research Group, Baroda at 44 million and Concern for Working Children - an NGO at Bangalore at 100 million. If one were to go by the school attendance figures (between the ages of 5-14) and the number of children out of school (132.31 million) we could presume most of these children are put to work in the home or outside, unpaid or in wage labour. A large proportion of school-going children especially those from low-income families would have to work after school hours to supplement family income. India has probably more working children than any other country in the world. More than 80% of working children belong to the rural areas and work in the primary sector of the economy. According to the 1981 Census about 86.4% of the child

Only time will tell how effectively the Act of 1986 can prohibit and regulate child labour in different industries and processes. If the implementing body is not strong enough it would also meet the same fate as have our previous Acts.

Child labour breeds generations of illiterate adults with poor physical conditions due to the years of hard labour during childhood. These adults would also barely be able to support their families and who will in all likelihood have to send their own children out to work.

The existence of child labour in whatever form and magnitude should be a matter of concern to the parents, society and state.

STREET CHILDREN

By the turn of the century, more than a third of India's population is likely to live in the cities. Today, 160 million or some 23% of the total population (1981 Census) live in urban areas. There are 12 cities which have over a million people, they are - Ahmedabad, Bangalore, Bombay, Calcutta, Delhi, Hyderabad, Madras, Kanpur, Nagpur, Jaipur and Lucknow. These cities between them accommodate nearly half the urban slum population of India. Nearly one out of every three persons living in an urban area is below the poverty line. As of 1984-85, the urban poor numbered over 50 million - 68% of them women and children.

In a scenario so depressing one could only imagine the status of poor marginalised children. They are the street children.

It is estimated that there are about 150,000 children in over 1000 institutions in the country. At present, there are about 570 children institutions being run under the Juvenile Justice Act, all over the country looking after about 45,000 children.³

Although it has been proved beyond doubt that institutional care is not the ideal solution, yet we cannot rule out institutional care completely. What is required urgently is a review of all child care institutions to assess its quality of services and care. There is a great need to train the personnel managing the institutions in child psychology, counselling, orientation programmes to change perceptions and attitudes of the workers towards these children, so that they are not treated as criminals, and deviants who need to be disciplined and controlled through corporal punishments. Sexual abuse within these institutions are not uncommon.

Children in institutions are unfortunately alienated from the community where they live or rather housed. The children should not be kept on the margin, but rather in the bosom of the community. It is about time community took the responsibility of looking after these children. The doors of the institutions should be kept open so that there is more interaction between the children and the community, it should be made accessible to any child to come and go, so also for the community (which must include children too) to participate in the caring of children in the institutions.

3. Damania Deenaz, Non Institutional Services for the Destitute Child . A Report prepared for UNICEF, unpublished Page 2, April 1990

of exploitation of women. But the worst affected by this situation are children born to prostitutes who are the victims of their circumstances from the moment they are born. These children are denied their rightful opportunity to break from the handicap they are born with. As a result they are denied basic opportunities to growth and development.

The environment in which these children are forced to live makes for male children to interact with pimps, the smugglers, drug peddlers, drug addict and the gambler who become role models for them. Due to lack of education and employment or any kind of recreational activities, these male children receive training to play the necessary supportive roles in trade management like pimping and procuring besides acquiring proficiency in other anti-social activities.⁴

Birth of a girl child is most welcome in a brothel. She is seen as a source of security for her mother in old age and the source of income to the brothel keeper. The closest role model for a girl is her mother. It is not often that girl children escape being drawn into the profession.

It is only very recently that we have been focussing on this serious social issue. Their needs to be further debates, discussions and researches to be done in this area so that we could come up with possible strategies to help the lot of these children. The

4. Patkar Prit Pai, Children of Prostitutes: A Perspective, Social Welfare, Page 15, June 1990.

to the needs of the children. It is a well known and accepted fact that Non Governmental Organisations have been frequently pioneers in responding in innovative ways to social and developmental challenges and quite often with a high degree of commitment. Government has generously acknowledged this. What is now required is sincere actions on the part of the government to honestly take the NGO's along as its active partners and allies in the cause of addressing the needs of the children. However, for this partnership to operate what is required is not just the statement of government's support to NGO's but policy adjustments and appropriate mechanisms to provide the required resources to the NGO's. So, that the energies and efforts are not diverted towards fund raising but are entirely committed to field actions.

Concomittant to efforts in this direction urgent steps are also required to be taken to ensure early ratification of the UN Conventions on the Rights of the Child. It is indeed difficult to understand India which is quite often considered more progressive country among the developing countries has still not ratified the Convention. Whereas several other countries that are low down in the scale of development have taken the initiative as a first step towards their committment to children.

Finally, it is about time we realised that granting children their Right is no more a subject of philanthropy and charity, but it is in no unclear terms Rights that are truly theirs. It should not be said by future generations that children were not given their Rights because they were not organised, not strong enough