

Child Sexual Abuse and Exploitation in India: A Critical Analysis

Dr. Shrimant Chavan

Associate Professor of Criminology, Government First Grade College, Vijayapur

ABSTRACT

Crimes against children highlight the urgent need for child protection, legal enforcement, education, rehabilitation, and social awareness. Child Abuse is defined as injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child. This paper takes many forms, including sexual abuse, forced labor, domestic servitude, forced begging, involvement in petty crimes, child marriage, use of children in armed conflicts, and illegal adoption. Crimes against children highlight the urgent need for child protection, legal enforcement, education, rehabilitation, and social awareness. Child – Protection of Children from Sexual Offences Act 2012 (POCSO), defines Child as any person below the age of 18. Child sexual abuse - It is the sexual activity with a child by an adult, adolescent or older child. Sexual assault, sexual harassment and using a child for pornography are the different forms of child sexual abuse.

Keywords: sexual abuse, sexual exploitation, negligent, treatment or maltreatment and protection

INTRODUCTION

Child exploitation refers to the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. These activities are to the detriment of the child's physical or mental health, education, moral or social-emotional development. Today's child is the citizen of tomorrow. The condition of a child foretells the future of any society or nation. Children are the real mirrors of the society--the quality of life of a child reflects how progressive a society is. With the dawn of the 21st century, child exploitation is one of the biggest problems of the planet, which is increasing constantly. Child Exploitation primarily includes Child Abuse and child labour. WHO defines child abuse as: "Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power." (Humphries, Jane, 2010)

On 23 June 1757, the English East India Company defeated Siraj-ud-Daula, the Nawab of Bengal, in the Battle of Plassey. The British thus became masters of east India (Bengal, Bihar, Orissa) – a prosperous region with a flourishing agriculture, industry and trade. This led to many children being forced into labour due to the increasing need of cheap labour to produce large numbers of goods. "Many multinationals often employed children because that they can be recruited for less pay, and have more endurance to utilize in factory environments" (Lieten, Kristoffel; Meerkerk, Elise van Nederveen 2011). India works to strengthen child protection, prevent violence, abuse and exploitation, and protect children's rights across India.

Millions of children in the world have been forced into child labour owing either to non-schooling or due to dropping out from the school at an early age. So, child labour may be defined as one who has not yet attained the age of 14 years and whose physical, mental and social development has suffered due to his pre-mature employment. Both child labour and abuse are the most heinous and inhuman crimes. The scope of child rights makes it clear that a comprehensively designed program needs to address these issues. While governments and civil society can work to give children access to their rights, the common public must also support an NGO, initiative or campaign to ensure government initiatives are followed through.

Grassroots activism is a vital guiding light to educate both children and adults, and liberate children from a life of suffering. When you donate to charity, you not only avail great tax benefits but also yield a huge reward in the fight for child rights. "Another reason many Indian children were hired was because they lack knowledge of their basic rights, they did not cause trouble or complain, and they were often more trustworthy. The innocence that comes with childhood was utilised to make a profit by many and was encouraged by the need for family income" (Lieten, Kristoffel; Meerkerk, Elise van Nederveen 2011) It laid down guidelines directing courts to treat trafficked children as injured witnesses and to assess their testimony sensitively.

Children make up 36% of our country's total population. We might boast of being the largest democracy on account of numbers, but we definitely don't seem to be the greatest one. Due to various circumstances, young children are exploited and are deprived of the pleasures of childhood. At the age when children should be going to schools or playing at playgrounds, they are burdened with the hardships of life and denied their childhood. "In 2015, the country of India is home to the largest number of children who are working illegally in various industrial industries. Agriculture in India is the largest sector where many children work at early ages to help support their family" (Lieten, Kristoffel; Meerkerk, Elise van Nederveen 2011)

According to the National Child Labour Project 2001 Census, there are 12.6 million working children in India. It is not only in few selected states, but across the length and breadth of the country. A large number of children are employed in various hazardous and non-hazardous activities in the agriculture sector, glass factories, carpet industry, brass industries, match-box factories, on streets as beggars and in hotels. "Many of these children are forced to work at young ages due to many family factors such as unemployment, large families, poverty, and lack of parental education. This is often the major cause of the high rate of child labour in India" (Lieten, Kristoffel; Meerkerk, Elise van Nederveen 2011)

According to a recent ILO report, about 80% child labourers in India are employed in the agriculture sector. The children are generally sold to the rich moneylenders to whom borrowed money cannot be returned. More than 60,000 children work in extremely inhospitable conditions in the glass and bangle industry under conditions of excessive heat. Almost 4,20,000 children are employed in the carpet industry of India, and more than 70,000 work in match-box factories. International influences help to encourage legal actions to be taken in India, such as the Geneva Declaration of the Right of Children Act was passed in 1924. This act was followed by The Universal Declaration of Human Rights in 1948 to which incorporated the basic human rights and needs of children for proper progression and growth in their younger years. These international acts encouraged major changes to the workforce in India which occurred in 1986 when the Child Labour (Prohibition and Regulation) Act was put into place. This act prohibited hiring children younger than the age of 14, and from working in hazardous conditions.

As regard with child abuse, in 2010, the National Commission for Protection of Child Rights received 75 cases of child abuse in India up till 31st October, including cases of corporal punishment. Especially, those in the age group of 5-12 years reported higher levels of abuse. Ranging from incest, rapes, sexual abuse, sodomy, inappropriate touch to sexual assaults, India has an extreme category of child sexual abuse than other kind of abuses. The worst part is that a stunning majority of these cases go unreported. Also, reasons like shame, plain depravity and family honour contribute towards shunning and covering the cases of child abuse. According to a government commissioned survey, more than 53% of children in India are subjected to sexual abuse, but most of them don't report the assaults to anyone. Various surveys also brings into light that harmful traditional practices like child marriage, caste system, discrimination against the girl child, child labour and devadasi tradition impact negatively on children and increase their vulnerability to abuse and neglect. Children on street, children at work and children in institutional care reported the highest incidence of sexual assault. Sexual violence occurs everywhere – in every country and across all segments of society.

Exploitation traumatizes a child in various ways. From not providing required environment for a healthy growth, inflicting physical torture, mental trauma to sexually maltreating a child in any possible way, child abuse stunts the physical and mental growth of the child. While choking, burning, hitting and striking comprise physical abuse, any kind of sexual association in any form between a child and an adult results into sexual abuse. Emotionally, depraving a child, hurting his self-esteem or inflicting any other kind of mental trauma is a physiological abuse against the child. Child abuse may also include not providing required food, shelter, clothing, education and an environment to the child that is necessary for an overall development of his personality.

Young children are being made the prey as they can be paid less or befooled easily. Poverty, illiteracy and insufficient resources in family, force the parents to send their children to work. Also cultural norms, unsuccessful marriage and drug addiction of parents comprise as the main cause of child abuse. Sometimes a child might also be inflicted to exploitation without it being in the notice of the parents, e.g. at school, at the hands of some relatives, the immediate neighborhood or lured by broker. It can be both intentional and unintentional. Crime against women in India remains a pervasive and deeply concerning issue, challenging the nation's progress towards gender equality.

Presently, though India has the highest number of sexually abused children in the world, there is no special law in India dealing with child abuse and child sexual abuse. However, as recent as in 2011, Union Minister of women and child development has introduced the Sexual Offences Bill in Rajya Sabha, to fight against this heinous crime. It aims to provide for stringent punishment of up to 10 year's jail term, which may even be extended to life imprisonment, if warranted.

Various articles of the Constitution prohibit the employment of children in factories. Under Article 24, it has been stated that no child below the age of 14 shall be employed in any factory or mine or any other hazardous occupation or work. Similarly, Article 31 provides that the state shall ensure that adolescent children are not forced to accept an employment detrimental to their age and physical ability owing to economic compulsions. “Due to the increase of regulations and legal restrictions on child labour, there has been a 64 percent decline in child labour from 1993–2005. Although this is a great decrease in the country of India, there is still high numbers of children working in the rural areas of India. With 85 percent of the child labour occurring in rural areas, and 15 percent occurring in urban areas, there are still substantial areas of concern in the country of India” (Lieten, Kristoffel; Meerkerk, Elise van Nederveen (2011) Sexual assault is deemed to be “aggravated” under certain circumstances such as when the child is mentally ill. Also when the abuse is committed by the person in a position of trust such as a doctor, teacher, policeman, family member.

Children should be provided opportunities to develop in a healthy manner and in a free and respectful environment in which they are protected against exploitation of their childhood and adolescence. The Government of India formulated the National Child Labour Policy in 1987 to tackle this problem. A variety of Indian social scientists as well as the non-governmental organisations (NGOs) have done extensive research on the numeric figures of child labour found in India and determined that India contributes to one-third of Asia's child labour and one-fourth of the world's child labour. “Due to many children being illegally employed, the Indian government began to take extensive actions to reduce the number of children working and to focus on the importance of facilitating the proper growth and development of children” (Lieten, Kristoffel; Meerkerk, Elise van Nederveen (2011)

It aims at rehabilitation of child labour, implementation of the National Child Labour Projects, grants-in-aid to the voluntary agencies and promoting international programmes for the elimination of child labour. For the rehabilitation of working children, Special schools and rehabilitation centres have been established where the” is a provision of informal education, vocational training and nutrition for the children. Child sexual abuse, also called as child molestation, is a form of child abuse in which a girl or a boy who is under the age of 18 years .

Through expansion of National Child Labour Projects to various districts, It 15 f focusing towards linking the child labour elimination efforts with the Scheme of ‘Sarva Shiksha Abhiyan’. It ensures that children in the age group of 5-8 years get directly admitted to regular schools and that the older working children are mainstreamed to the formal education system through special schools functioning under the NCLP Scheme. The Central government and the Supreme Court, both have taken firm steps to tackle the rising number of sexual offences against children.

CONCLUSION

The problem of child exploitation is an intense socio-economic issue in India that requires long-term multi-pronged strategies to be carried out on a continuous basis. A strong enforcement of the legal acts needs be done to ensure strict action against those who indulge in exploitation. The government, media and NGOs have to unite to play their respective roles in this demanding task-only then the evil of child exploitation can be effectively curbed. While child labour around the world has declined by more than a third in the last 15 years, it remains a serious challenge and barrier to the well-being of children. According to a 2017 report by the International Labour Organization (ILO), the number of child labourers around the world fell from 246 million in 2000 to around 152 million in 2016. However, millions of children continue to be exploited for cheap labour, especially in countries such as India. Millions of children in India are prone to violence, abuse and exploitation which takes away their innocence and childhood

REFERENCES

- Humphries, Jane(2010) *Childhood and Child Labour in the British Industrial Revolution*
 Humbert, Franziska (2009) *The Challenge of Child Labour in International Law*
 Lieten, Kristoffel; Meerkerk, Elise van Nederveen (2011). *Child Labour's Global Past, 1650-2000*. Peter Lang.
 Margaret McMillan (1907) *Labour and Childhood*, London: Swann Sonnenschein & Co., Wikidata
 Tuttle, Carolyn. Hard((1999) *Work in Factories And Mines: The Economics of Child Labour During The British Industrial Revolution*)