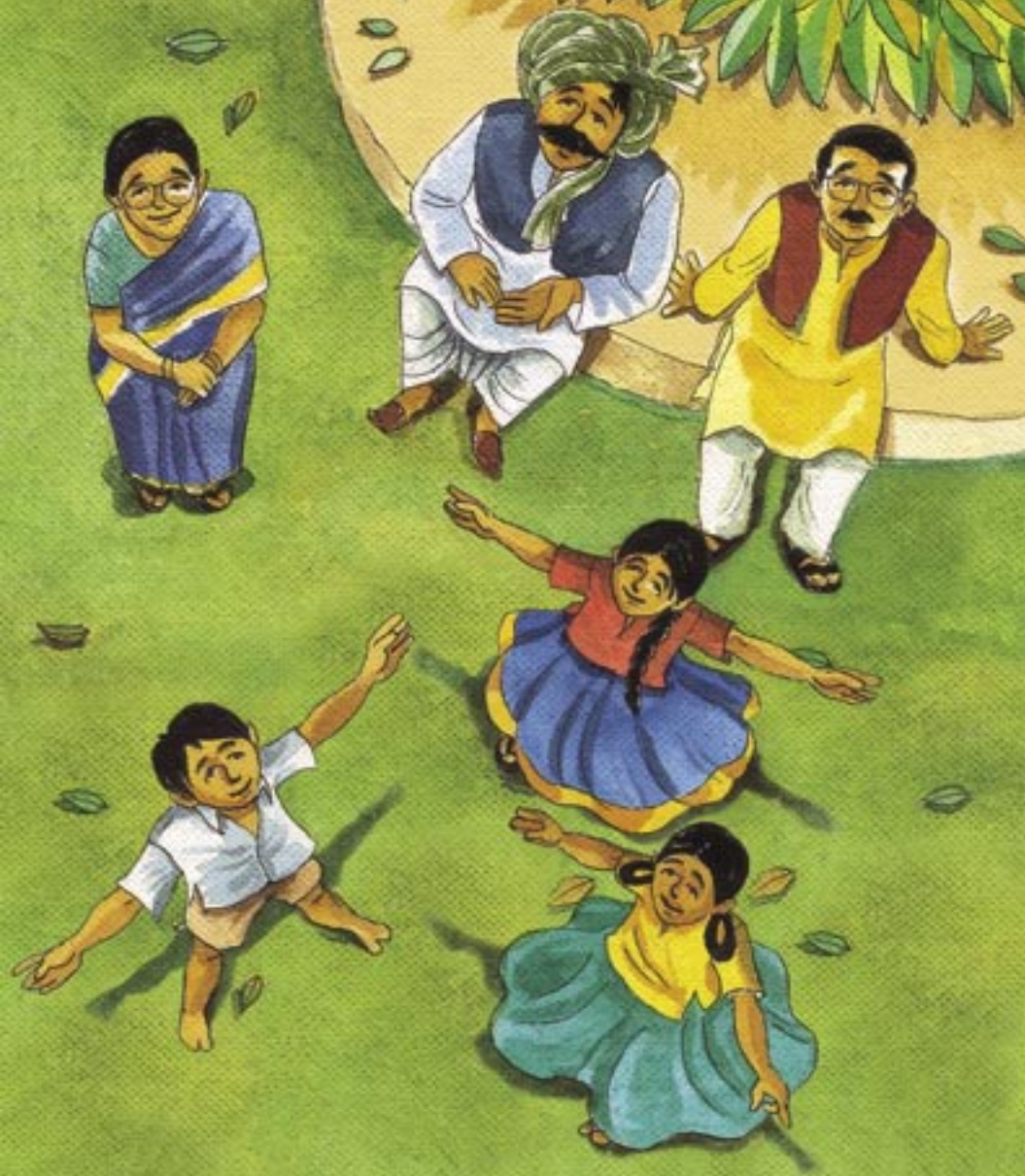


CHILD PROTECTION

A handbook for Panchayat Members



Ministry of Women
and Child Development

Developed by:
HAQ Centre for Child Rights
208, Shahpur Jat
New Delhi-110 049.
Tel: 011-2649 0136



सत्यमेव जयते
रेणुका चौधरी
Renuka Chowdhury

राज्य मंत्री (स्वतंत्र प्रभार)
महिला एवं बाल विकास मंत्रालय
भारत सरकार
नई दिल्ली-110001

MINISTER OF STATE (INDEPENDENT CHARGE)
MINISTRY OF WOMEN & CHILD DEVELOPMENT
GOVERNMENT OF INDIA
NEW DELHI-110001

FOREWORD

All children have the right to live in safety and dignity in a protective environment that ensures that children are in school, laws are in place to punish those who abuse and exploit children and communities are aware of the risks which children face and the government, the elected Panchayat members, grass root level functionaries and civil society address children's 'protection' issues in an attempt to reduce their vulnerabilities.

I believe that the Panchayat members' commitment, in particular, to fully protect children's rights and to create awareness in order to break the silence around children's plight and to change attitudes, traditions, and practices that can be harmful to children, such as child marriages, female foeticide, child labour, will go a long way in protecting children from neglect, abuse and exploitation.

This handbook on child protection, which UNICEF and the Ministry of Women and Child Development, Government of India, have jointly prepared will help Panchayat Raj members to understand the actions they can take to protect children resulting in better convergence of programmes and increased allocation of resources to address child protection issues. The handbook spells out practical ways in which you, my dear local elected members, can endeavour to alleviate the suffering of millions of children in our country who are subjected to violence and exploitation.

Let us together make this world a better place for our children to live in.

Renuka
(Renuka Chowdhury)



REVA NAYYAR

SECRETARY

Tel.: 23383586, Telefax: 23381495

E-mail: secy.wcd@nic.in

भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली – 110 001

GOVERNMENT OF INDIA
MINISTRY OF WOMEN & CHILD DEVELOPMENT
SHASTRI BHAWAN, NEW DELHI-110 001
Website: <http://www.wcd.nic.in>

PREFACE

India is home to more than 40 crore children. Though we have made considerable economic and social progress since independence, a large number of children are still living in inhuman and pathetic conditions. They are subject to abuse and exploitation, especially the girl child. They are deprived of basic services and forced to drop from school and work. They are living on streets and mostly get trafficked for sexual and other purposes. Trafficking of girls for commercial sexual exploitation, domestic labour and forced marriage continue to be a serious problem.

Such children need special care and protection. They need to be rescued, rehabilitated, repatriated and reintegrated into mainstream. A protective environment has to be created to ensure their access to education, protection from economic and sexual exploitation and to make them lead their lives with safety and dignity. The community has a major role to play in creating such an environment. Teachers, Panchayat members, Field Functionaries and Social Workers have to work together to reduce the vulnerabilities of such children.

This Handbook on Child Protection for Panchayat Members has been prepared with the objective to help them understand the problems of such vulnerable children and take appropriate and suitable measures in the given circumstances to protect children from all forms of violence, abuse and exploitation.

I am sure together we can make a difference and will be able to provide a better and protective environment for our children.

Reva Nayyar
(Reva Nayyar)



DR. LOVELEEN KACKER, IAS
JOINT SECRETARY
TEL: 23387683

Fax No.: 23381495
Fax No.: 23381800
Fax No.: 23381654
Telegrams: WOMEN CHILD

भारत सरकार
महिला एवं बाल विकास मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF WOMEN & CHILD DEVELOPMENT

शास्त्री भवन, नई दिल्ली-110 001

SHASTRI BHAWAN, NEW DELHI-110 001

It is said that progress made by a country can be determined by the health of its citizens, especially that of children.

In every community, the Panchayat members are looked upon with great respect as protectors, especially of women and children. The Panchayat members also play a vital role in not only ensuring the development of the community but also that every member, especially women and children, live in safe environment with dignity and respect. Once this is ensured, every community will be free of abuse, violence and exploitation.

To assist the members of Panchayat in achieving this protective environment, the Ministry of Women and Child Development, in collaboration with UNICEF, has brought out this Handbook on "Child Protection for Panchayat Raj Members". This Handbook will enable the Panchayat members to understand the issue of Child Protection and how they can build a protective environment in schools.

We also hope that the Panchayat members will use this Handbook as an advocacy tool to build a protective environment in homes and communities.

(Dr. Loveleen Kacker)

Dear Panchayat Members

As elected representatives of your gram panchayat you represent all the persons who live in your village. You also represent the children, even though they did not vote you in. As the elected representatives you are responsible for ensuring that the rights of children are protected.

Lest we forget, the children may not be voters today, but will be tomorrow, when they become adults. They will then hold us, adults of today, accountable for how they been brought up.

As you are well aware, children in every society face abuse, violence and exploitation. If you look around you, you will see it. Little children engaged in work and deprived of schooling- many of them bonded-parents beating their children, teachers beating children in schools or discriminating against them because of their caste or religion, girl children not being allowed to be born or killed soon after birth, or facing discrimination in the family and society because they are girls.

As an elected representative of your community and people what will you do when you see a child being abused and exploited?

Will you....

- Blame it on destiny?
- Argue that all adults have gone through it as a child and so what's wrong with it?
- Argue that it is a custom, a practice and therefore nothing can be done about it?
- Blame it on poverty?
- Blame it on corruption?
- Blame the family and not do anything about it?
- Look for evidence to establish that the child really needs protection?
- Wait till you find evidence to act?

Or will you.....

- Ensure that the child is kept in a safe environment?
- Speak to the child?
- Talk to her/his family and tell them that every child has a right to safe childhood and it is the primary responsibility of the parents to take care of their children?
- Help the child and the family, if required?
- Find out what is threatening the safety of the child?
- Act against those who are being cruel to the child or those from whom the child needs to be protected?
- Report the matter to the police/child line if there is need for legal protection and legal redressal?

How you react will depend on how you see yourself. Do you see yourself simply as a political representative or as a community leader? Because a community leader must also take on the role of a social change agent.

Panchayat Members Are Important Because...

- You have been vested with authority and responsibility by your position. You are therefore a part of the governance system of the State and obligated to uphold the rights of all citizens.
- You are leaders and role models. You must set the norms.
- As elected representatives you are responsible for the well-being and protection of your young constituents.
- You can be more than a politician - you can be a social change agent.

*This booklet has been specially prepared for you, so that you can help the children and protect them from being abused and exploited. Although we have discussed the law in brief, it is important that you **SEEK LEGAL ADVICE FROM A LAWYER.***

Are You a Child-Friendly Panchayat?

You can always be one!

A Child-Friendly Panchayat is one that safeguards children and provides them a violence-free and safe environment. As representatives of the village you must intervene proactively.

For every child in your village, the slogan should be 'My Panchayat is my Best Friend'.



WHO IS A 'CHILD'?

According to international law, a 'child' means a human being below the age of 18 years. This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC), an international legal instrument accepted and ratified by most countries.

India has always recognised the category of persons below the age of 18 years as a distinct legal entity. That is precisely why people can vote and enter into legal contracts only when they attain the age of 18 years. Marriage of a girl below the age of 18 years and a boy below 21 years is restrained under the Child Marriage Restraint Act, 1929. Moreover, after ratifying the UNCRC in 1992, India changed its law on juvenile justice to ensure that every person below the age of 18 years, who is in need of care and protection, is entitled to receive it from the State.

There are however, other laws that define a child differently and are yet to be brought in conformity with the UNCRC. But, as stated earlier, the legal understanding of the age of maturity is 18 for girls and 21 for boys.

This means all persons in your gram panchayat below the

age of 18 years have to be treated as children and need your assistance and support.

What makes a person a 'child' is the person's 'age.' Even if a person under the age of 18 years is married and has children of her/his own, she/he is recognised as a child according to international standards.

Key points

- All persons below the age of 18 are children.
- Childhood is a process through which every human being passes.
- Children have different experiences during childhood.
- All children need to be protected from abuse and exploitation.

WHY DO CHILDREN NEED SPECIAL ATTENTION?

- Children are more vulnerable than adults, to the conditions under which they live.
- Hence, they are more affected than any other age group by the actions and inaction of governments and society.
- In most societies, including ours, views persist that children are their parents' property, or are adults in the making, or are not yet ready to contribute to society.
- Children have no votes or political influence and little economic power. Too often, their voices are not heard.
- Children are particularly vulnerable to exploitation and abuse.

Children's rights are human rights!



WHAT ARE CHILD RIGHTS?

All people under the age of 18 are entitled to the standards and rights guaranteed by the laws that govern our country and the international legal instruments we have accepted, by ratifying them.

THE INDIAN CONSTITUTION

The Constitution of India guarantees all children certain rights which have been specially included for them.

These include:

- Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A).
- Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)).
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment. (Article 39 (f))

Besides these they also have rights as equal citizens of India, just as any other adult male, woman, or child:

- Right to equality (Article 14).
- Right against discrimination (Article 15).
- Right to personal liberty and due process of law (Article 21).
- Right to being protected from being trafficked and forced into bonded labour (Article 23).
- Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46).

The State must:

- Make special provisions for women and children (Article 15 (3)).
- Protect interest of minorities (Article 29).
- Promote educational interests of weaker sections of the people (Article 46).
- Raise the level of nutrition and standard of living of its people and the improvement of public health (Article 47).

Besides the Constitution, there are several laws that are specifically for children. As responsible members of the Panchayat, it is advisable that you are aware of them and their significance. They have been described in different sections of this booklet along with the issues they deal with.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

The most significant of all international laws for children is the UN Convention on the Rights of the Child, popularly referred to as the CRC. This together with our Indian Constitution and Laws determines what rights all children must have.

What is the UN Convention on the Rights of the Child?

Human rights belong to all people, regardless of their age, including children. However, because of their special status - because children need extra protection and guidance from adults - children also have some special rights of their own. These are called children's rights and they are laid out in the UN Convention on the Rights of the Child (CRC).

Here are some significant features of the UN Convention on the Rights of the Child (CRC).

- Applies equally to both girls and boys up to the age of 18, even if they are married or already have children of their own.
- The convention is guided by the principles of “Best Interest of the Child” and “Non-discrimination” and “Respect for views of the child.”
- It emphasises the importance of the family and the need to create an environment that is conducive to the healthy growth and development of children.
- It obligates the state to respect and ensure that children get a fair and equitable deal in society.
- It draws attention to four sets of civil, political, social, economic and cultural rights:
 - Survival.
 - Protection.
 - Development.
 - Participation.

Note: Children acquire different capacities and degrees of maturity as they grow older. This does not mean they require no protection if they are 15 or 16 years old. For instance, many children in our country are made to marry and work under the age of 18. But they should not receive less protection because the community feels they have matured. They must receive the very best protection, opportunities and help in order to ensure them the best start in life on their journey to adulthood.

Right to Survival includes

- Right to life.
- The highest attainable standard of health.
- Nutrition.
- Adequate standard of living.
- A name and a nationality.

Right to Development includes

- Right to education.
- Support for early childhood care and development.
- Social security.
- Right to leisure, recreation and cultural activities.

Right to protection includes freedom from all forms of

- Exploitation.
- Abuse.
- Inhuman or degrading treatment.
- Neglect.
- Special protection in special circumstances such as situations of emergency and armed conflict, in case of disability etc.

The Right to Participation includes

- Respect for the views of the child.
- Freedom of expression.
- Access to appropriate information.
- Freedom of thought, conscience and religion.

All rights are dependent on each other and are indivisible.

However, because of their nature all rights are divided into

- Immediate Rights (Civil and Political Rights) which include such things as discrimination, punishment, right to a fair hearing in criminal cases and a separate system of juvenile justice, right to life, right to nationality and right to re-unification with the family.
- Progressive Rights (Economic, Social and Cultural Rights), which include health and education and the rights that are not covered by the first category.

Most protection rights fall within the category of immediate rights and therefore demand immediate attention and intervention.

They are recognised in the CRC under Article 4 which states:

“With regard to economic, social and cultural rights, State Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”

In this booklet we will deal specifically with Right to Protection of children and the role Panchayat members can play in ensuring them.



RIGHT TO PROTECTION

As Panchayat members you must be able to ensure that all children in your constituency are protected from all forms of

- Exploitation.
- Abuse.
- Inhuman or degrading treatment.
- Neglect.

While all children need protection, because of their social, economic, or even geographical location, some children are more vulnerable than others. They need your special attention.

These children are:

- Homeless children (pavement dwellers, displaced/evicted, refugees etc.).
- Migrant children.
- Street children.
- Orphaned or abandoned children.
- Working children.
- Children of prostitutes.
- Child prostitutes.
- Trafficked children.
- Children affected by conflict.
- Children affected by natural disasters.
- Children affected by HIV/AIDS.

- Children suffering from Terminal Diseases.
- Disabled children.
- Children belonging to the Scheduled Castes & Scheduled Tribes.

The girl child within all categories is even more vulnerable.

The following are some of the popular myths relate to abuse and exploitation of children:

1. Children are never abused or exploited. Society loves its children.

Yes it is true that we love our children, but clearly there is something missing. India has the largest number of child labourers in the world, the largest number of sexually abused children and the lowest ever male to female child ratio in the 0-6 age group, showing that the very survival of the girl child is at stake. Sometimes, even young infants are not spared when they are sold for adoption or are killed because they happen to be girls.

Crimes recorded against children present a sordid tale! Even by the Government's own records, there has been an 11.1 percent increase in crimes against children between 2002 and 2003. There are many more cases that never get reported.

2. Home is the safest haven.

The extent of abuse faced by children in their homes clearly belies this belief. Children are seen as their parents' private property who can be used (rather abused) any which way.

We witness incidents of fathers selling their daughters to friends or strangers for money every other day. Studies on sexual abuse have shown that incest is the most common form of abuse. There are also many cases of father's raping their daughters being reported in the media and proved in the court. Female infanticide i.e. killing of new born girls, child sacrifices

resulting from superstition, dedication of girls to gods and goddesses in the name of custom and tradition such as 'jogini' or 'devadasi' in some parts of India, are some forms of home-based violence. Marrying away young children is not out of love for children but as need to pass on the responsibility of care and nurturance, even if that brings ill health and trauma for their own child.

While these are some extreme cases, beating up children ruthlessly is a common practice in almost every household in the country.

3. There is no need to worry about a male child. They need no protection.

The boy child is as much a victim of abuse, physical and emotional as the girl child, although the girl child remains more vulnerable because of her lower status in society as a whole. Boys are victims of corporal punishment at school and at home, many are sent, and often even sold for labour, while many are victims of sexual abuse.

It does not happen in our village!

Every one of us tends to believe that child abuse happens elsewhere - not in our homes, our village or our community. It affects 'other' children not ours. The reality is that the abused child is in all these spaces and needs our assistance and help.

Let us take some common forms of abuse and see what you could do as Panchayat members to protect the children.

Note: Creating and strengthening a protective environment for children requires many levels of engagement, which in turn demands dialogue, partnerships, and coordination based on a shared analysis. Many of its components correspond to traditional development activities and approaches, such as improving basic services, monitoring results, and recognizing individuals as actors in their own development.

The eight key elements for creating, or strengthening, a protective environment around children, are:

- Government commitment and capacity.
- Legislation and Enforcement.
- Culture and Customs.
- Open Discussion.
- Enhancing children's life skills, knowledge and participation.
- Building capacity of families and communities.
- Essential services.
- Monitoring and reporting.

As people's representatives you have a role to play in each of these.



CHILD PROTECTION ISSUES AND WHAT YOU CAN DO

There are some steps that you, your Panchayat and other Panchayat Members can take to ensure protection of children in your village.

Understand children's rights as human rights and create such awareness amongst others too.

Discuss child rights issues with your Gram Sabha on a regular basis.

Ensure that child protection forms a major agenda for discussion in all Panchayat meetings as well as Gram Sabhas.

You can also set up a child protection monitoring unit or cell in your village, involving children and their parents. The role of this unit could be to maintain records of missing children and children needing care and protection and report cases of child abuse to the police or other concerned authorities.

All Panchayat Members must have information about government's schemes and what they have to offer. Identify

children and families that require assistance and can be helped through any of the existing Government schemes. A list of such children and families can be handed over to your Block/ Taluka/Mandal Panchayat Member or BDPO directly.

People you must liaise with, if you want to protect the children of your constituency, include:

- The Police
- Your Panchayat Secretary
- School Teachers
- Anganwadi Workers
- ANMs
- Block/Taluka/Mandal and Zila Panchayat Members
- Block Development Officer (BDO) or Block Development and Panchayat Officer (BDPO)
- Community Development Officer (CDO) or Community Development and Panchayat Officer (CDPO)
- District Magistrate/ District Collector

Some measures that panchayats can take are specific to issues of protection they wish to intervene in.

SEX SELECTIVE ABORTION AND INFANTICIDE

The right to be born!

We celebrate the birth of a son with drumbeats and break earthen pots when death strikes or if a girl is born in the family.

The Census 2001 shows that there are only 933 women in this country for every 1000 men.

This is even lesser in the case of children and the female to male ratio has been on a decline since the 1991 Census. From 945 girls for every 1000 boys in 1991, the child sex-ratio has declined to 927 in 2001.

Sex selective abortion or female foeticide and female infanticide are taking a rising toll, while neglect of the 'survivors' of this weeding out also persists.

This slide is not the same all over India. The more economically affluent Northern States show the most drastic decline. The situation is alarming in states of Punjab (798), Haryana (819), Himachal Pradesh (896). Even the capital city of Delhi now has fewer than 900 girls per 1,000 boys. Clearly it is those who can "afford to choose", use technology to do so.

Infanticide was mistakenly believed to have died out. But clearly it has not. Crime records of several states contain reports of infanticide, with Madhya Pradesh accounting for 23.3 per cent of all reported cases of infanticide deaths, followed by Uttar Pradesh, which accounts for 18.4 per cent and Maharashtra, 10.7 per cent.

There is no guarantee that the girl child who escapes foeticide or infanticide and is in the 0-6 years age group, will escape the cycle of denial that may even result in death because she is less fed, less encouraged to explore the world, more likely to be handed jobs to do and given less health care and medical attention.

The adverse sex ratio in Haryana has made it difficult for men to find brides locally and has led to buying, selling and sexual exploitation of young girls/women from other states. Touts play a major role in arranging brides from the states of West Bengal, Bihar, Assam.

Every year, 12 million girls are born - three million of whom do not survive to see their 15th birthday. About one-third of these deaths occur in the first year of life and it is estimated that every sixth female death is directly due to gender discrimination.

Human Development Report. UNDP.2005

Economic reasons are often cited as the basis for the favourable attitude towards female foeticide.

Why do we need to address Selective Abortion?

- Because girls and boys have an equal right to survive and our Constitution guarantees right against discrimination.
- Because this act of violence is leading to a spiralling effect of further violence in the form of trafficking of girls for marriage, from low sex-ratio states.
- If India closes the gender gap between girls and boys aged 1-5 years, 1.3 lakh lives will be saved and the overall child mortality rate will go down by 5 per cent.

How long poverty alone can be held accountable for every malaise that exists in the society?

Indeed a war needs to be waged against female foeticide and infanticide. An evil such as this cannot be addressed in

FACTS	MYTHS
Sons take care of parents in the old age as daughters are married into another family.	A visit to the old age homes tells us how much our sons take care of their old parents. In fact there are plenty of cases where married daughters have come forward to support their parents in old age and in a state of destitution.
Girls are a burden on the family as they are economically unproductive and getting them married is not easy.	<p>This is just an excuse.</p> <p>Girls are also engaged in economically productive work. They perform all the household chores and take care of their siblings and elders. Their work is unpaid subsistence and domestic work, which is critical to family survival, but perceived to be less valuable.</p> <p>The spread of consumerism and the associated increase in the cost of dowry and marriage can be challenged, but false prestige overrules. The fact is that we don't want to take on any responsibility, that we only want to amass wealth and lead a life of convenience and opportunism even if that requires killing a daughter.</p>

Only sons can carry the legacy of the family and the son must perform the last rites.	These are beliefs that need to be challenged and are part of the patriarchal structure of society.
	Such beliefs and the preference for sons are in fact a result of the desire to maintain landholding within a family and the desire to accumulate wealth.

isolation. Social evils such as dowry, women’s unemployment and underemployment and exploitation, education standards of the girl child as well as high school-dropout rates amongst the girls, early marriages and gender discrimination also need to be addressed.

What is the Law?

The main law for prosecuting persons who are engaging in sex selective abortion is the Pre-Natal Diagnostic Techniques (Regulation And Prevention of Misuse) Act, 1994.

- It prohibits *misuse* and *advertisement* of pre-natal diagnostic techniques for determination of sex of foetus, leading to female foeticide.
- It *permits* and *regulates* the use of pre-natal diagnostic techniques for detection of specific genetic abnormalities or disorders and use of such techniques only under certain conditions and only by the registered institutions.
- *It gives punishment for violation of the provisions given in the act.*
- *The complaint made by any person should be first given to the appropriate authority with the notice of not less than thirty days for proper action and with the intention to make a complaint to the court.*

Apart from this law, the following sections from the Indian Penal Code, 1860 are also important.

According to the Indian Penal Code (IPC) 1860 the following acts by any person are a punishable offence:

- When death is caused by a person (Section 299 and Section 300).

- Voluntarily cause a pregnant woman to miscarry the unborn baby (Section 312).
- Act done with intent to prevent a child being born alive or to cause it to die after birth (Section 315).
- Causing death of an unborn child (Section 316).
- Exposing and abandoning of child below 12 years (Section 317).
- Concealing the birth of child by secretly disposing her/his body (Section 318).
- The punishment extends from two years up to life imprisonment, or fine or both.

What can the Panchayat members do?

- Educate people about the law.
- Be alert and use the law to stop foeticide and infanticide and ensure registration of cases against the accused.
- Ensure registration of all births and deaths in the village under the supervision of your Panchayat.



- Raise awareness and gender sensitivity through Public Education Programmes.

- Mobilise the community to act against such heinous crimes.
- Liaise with ANMs and dais in the village. They can be your informants.
- Campaign against all quacks and clinics that misuse the ultra-sound technology to the detriment of the girl child and for their profit.

CHILD MARRIAGE

Child marriage has always been prevalent in India and is rampant in large parts of the country. That it continues to be a reality is indeed shocking. In fact, child marriages in India have taken on an ugly shape.

- Little boys and girls are married off as part of a cultural practice and to avoid having to pay dowry later.
- Many of the states like Punjab and Haryana, parts of Rajasthan and Gujarat today have very low sex ratios because girl children are either not allowed to be born or not allowed to live. Boys from these states are now buying girls from other states as brides.
- Under the legal cover of marriage to old men from within the country and also the Middle East, young girls are often duped into exploitative situations, including prostitution.
- Marriage has emerged as a means to traffic young girls into labour and prostitution.

In northern India children are married on Akha Teej as it is considered to be an auspicious day while in other parts of the country, marriage of children is solemnised on Ramnavmi, Shivratri, Basant Panchmi and other festive occasions, depending upon the customs, beliefs and traditions practiced in the society.

Why is child marriage a violation of child rights?

- Marriage at early age deprives the children their right to childhood.

- Child marriage is an important factor that keeps children, particularly girls, out of school.
- It has serious repercussions on the child's health, physical and mental.
- Childbirth amongst physically immature girls is a further threat to their health.
- Child marriage implies child rape as children can never be said to have attained the age of maturity for their action or inaction at that age.
- Child brides often end up as young widows with a number of children to take care.
- Early marriage of boys is as much a violation of their rights as it is for girls. It takes away their right of choice and imposes family responsibilities beyond their age and capacity.

According to Census reports 2001, nearly 3 lakh girls below the age of 15 years have already given birth to at least one child.

Girls aged 10 to 14 years are five times more likely to die in pregnancy or childbirth than are women between the ages of 20 and 24.

Early pregnancies are also linked to higher abortion rates.

Infants born to adolescent mothers have greater likelihood of being as low birth-weight babies.

Infants born to young mothers are more likely to die in the first year of their life.

Source: The situation of young women (www.un.org/esa/socdev/unyin/documents/ch09.pdf)

MYTHS	FACTS
<p>Child marriage is part of our culture.</p>	<p>Culture cannot be a justification for any malpractice or harmful practices. If child marriage is our culture, so was slavery, casteism, dowry, sati etc. But we do have laws now to prohibit such harmful practices. These laws have come into existence as and when there has been a demand from within the society.</p> <p>Culture is not static. Moreover, different people have different cultures even if they reside in the same geographical location. In India, there are various ethnic, linguistic and religious groups that follow their own culture. The culture of India is therefore a mix of all these and has seen many changes over the years.</p> <p>If we all agree that children need to be protected, our culture must reflect it. In fact, culturally we must be recognised as a society that not only claims to love its children but one that actually ensures their protection at all times.</p>
<p>Girls are meant to do only household work, as education will spoil them.</p>	<p>Girls have as much right to be educated as boys. Denying them education is perpetuating the cycle of gender discrimination and poverty.</p> <p>As the famous quote of the father of the nation, Mahatma Gandhi, goes “Educate one man, you educate one person, but educate a woman and you educate a whole civilisation”.</p>
<p>Unmarried girls are more susceptible to rape and sexual abuse.</p>	<p>All women can be targets of rape and sexual abuse, married or single, young or old, veiled or out of veil. Incidence of crimes against women too proves this.</p>

What is the Law?

The Child Marriage Restraint Act, 1929 defines a child as a male - below 21 years of age, and if a female, - below 18 years of age (Section 2(a)).

Under this Act several persons can be punished for allowing, contracting, performing or being involved in a child marriage. As per the Act,:

- A male who contracts child marriage if he is over 18 years and below 21 years of age shall be punished with simple imprisonment which may extend up to 15 days or with fine which may extend up to Rs. 1000 or both (Section 3).
- A male who contracts child marriage if he is over 21 years of age shall be punished with imprisonment which may extend up to 3 months and with fine (Section 4).
- A person who performs or conducts a child marriage, unless he can prove he had no reason to believe it was a child marriage, shall be punished with imprisonment which may extend up to 3 months and with fine (Section 5).
- The parent or guardian of the child who permits, negligently fails, or does any act to promote such child marriage can be punished (Section 6).

Can a child marriage be stopped?

Under the Child Marriage Restraint Act, 1929 a child marriage can be stopped if someone makes a complaint to the Police that such a marriage has been arranged or is about to be performed. The police will then make an inquiry and take the matter to the Magistrate. A Magistrate can issue what is called an injunction. This is an order to stop the marriage, and if anyone disobeys the Court order they can be punished with imprisonment for 3 months or fined Rs. 1000 or with both.

A child marriage must be stopped before it is solemnised because any marriage conducted in violation of the age requirements provided in the law, does not automatically become invalid or null or void.

What can the Panchayat members do?

- Educate people about the law.
- Create awareness about the violation of rights of children, and the health hazards arising out of early marriage.

- Encourage people to wait for their children to reach the age of maturity before they are married.



- Be alert and use the law to stop marriages. You must give proper details to the police and get them to believe you.
- If the marriage cannot be stopped, negotiate with the parents of the bride and the groom to postpone it till the girl and the boy reach the legal age of marriage and encourage the parents to send them to school till then.

In 2003, in a village in Haryana, the woman Sarpanch got the information that ten-year-old Kavita was going to be married to a forty year old man by her father. She immediately went to the village and managed to rescue the child just as she and her family were about to board the taxi for the wedding venue. She took the help

of the local police and was able to save Kavita from child marriage and had her father arrested. She had to face a lot of opposition from the rest of the villagers for having taken this step. If she had not intervened in time and the marriage ceremony had taken place, Kavita would have been married today.

CHILD LABOUR

Child labour and child work are often used synonymously. We need to make a distinction between the two.

Child labour is bodily activity designed to ensure the survival of the children and their families. It is about toil and often exploitation, and leads to denial of all other rights. Child work is something that is creative, which children enjoy.

India has the largest number of child labourers in the world. It has culturally become acceptable to have children out of school and in labour.

Children are engaged in many activities. Some known areas where children work are:

- Agriculture.
- Manufacturing (carpet, zari, garment, bidi, Glass, firecrackers).
- Mining and Quarrying.
- Domestic Service.
- Hotels, Restaurants.
- Circuses.
- Construction sites.
- Shrimp cultivation.

According to the Census of India 2001, 1.25 crore children in the age group of 5-14 years are engaged in different occupations. Estimates of NGOs put this at much more,

because there are many more who work in the unorganized sector and in small-scale household units, who never get enumerated as child labour. Those working in brick kilns, stone quarries, mines, carpet and zari industry are known to suffer from silicosis, respiratory problems, backaches, weak eye-sight and other occupation related diseases.

Child labour - What does it hold for children?

Exposure to several risks, health hazards and exploitative situations.

Violation of children's right to education.

Threat to children's physical, mental, emotional and social well-being.

The impact of working at an age when they should be enjoying a care-free child hood means:

- They are prone to occupational diseases such as skin diseases, lung disorders, loss of eyesight, T.B, silicosis etc.
- They are vulnerable to physical and sexual abuse and exploitation.
- They have little or no access to education that would give them access to greater opportunities in life.
- They are denied education and vocational training, and grow up unskilled and are unable to make any substantial contribution to the nation's economy as adults - thus continuing the cycle of poverty.

Keeping children for domestic labour is a common phenomenon. None of us, even our political leaders, see it as exploitation. Recently, a 15-year-old domestic worker working in the house of a senior politician in our country, committed suicide. She was scared because she had broken a toaster. The fear of being reprimanded made her take this step.

This is not just one story...but a life that many young girls are forced to live!

Twelve-year-old Sunita came to Delhi in search of work, from a remote village of Jharkhand with her uncle. She started working as a housemaid. Sunita used to get up at four in the morning everyday and worked till eleven in the night. Her employer used to beat her daily and even poke her with red-hot knives. She was given very little amount of food to eat and was made to sleep in a very dark and dingy place. She was not allowed to meet her uncle as well. Once she tried escaping from the house and was caught by her employer. She was beaten and was not given food for two days.

Finally, one day she managed to escape. But she had no idea where to go or how to contact her uncle or her family. Sunita met a lady on the streets who agreed to help her. However, this lady took Sunita to a brothel. Recently, she was rescued by the police from the brothel. At present she is staying in an observation home for children, waiting for her parents to take her back.

Touts and middlemen come to the villages posing as well wishers and take away children to work in different parts of the country. Children from Bihar and Bengal are brought to work in Karnataka, Delhi or Mumbai in embroidery units; from Tamil Nadu to Uttar Pradesh to work in sweet making units, and to Surat to work on gem and diamond polishing etc. Hundreds of them are employed in middle class homes as domestic labour.

Why is it wrong for children to work?

Every single child in the world, regardless of caste, class, nationality or gender, has the right to be healthy, to develop through education and other ways, and to have time for rest and leisure. If work prevents any child from enjoying any of these rights, then it is wrong.

There cannot be different rights for poor children and rich children, can there?

Won't the poor children's families suffer if they stop earning?

Most working children are in agricultural labour, where their earnings are so small that they are not really significant for the family. The children are often working because they find school uninteresting and do not see the point of going to school.

Besides, every child out of labour means one more job available for adults. India has a huge population of unemployed adults who could take the place of the children, leaving them free to enjoy their right to childhood.

MYTHS	FACTS
Employers oblige children by employing them.	Employers are only concerned about profit, and children work for little or no wages for long hours, without complaining.
Children themselves want to work.	Children usually give preference to work over school because of the poor infrastructure, irrelevant school curriculum and abusive teachers.
Poverty is the major cause of child labour.	Social factors contribute to the phenomenon of child labour. The socially marginalised communities are the victims of social hierarchy, characterized by unequal access to resources.
If children do not work, they and their families will starve.	Starvation persists even when families and their children are working. Starvation is the result of unjust social and economic factors.
Parents would rather send their children to work than to school.	The complex admission procedure is many a times responsible for the deterrence shown by parents in sending their children to school. Absence of documentary evidence of date of birth, is also greater barrier to enrolling children in schools.
There is nothing wrong in allowing children to work in non-hazardous occupations.	If children are made to work for long periods and if they are denied their rights to development, education, medical care, recreation, leisure and play, then any job becomes hazardous.

If children work, they become equipped with skills for the future.	Children are usually part of the unskilled labour. Exposure to harmful chemicals damages children's health, and impairs their development.
Child labour cannot be abolished.	The task of eliminating child labour is large, but not impossible. It is time for us to rise to this challenge. Lack of zeal and not lack of resources is the cause of the problem.

Source: *Child Labour: India profile*
 (www.free-the-children.org/youthinaction/child_labour_facts_myths.htm)

Existence of child labour is in direct contradiction to the fundamental right to free and compulsory elementary education for every child in the 6-14 years age group guaranteed by the Constitution of India.

What is the Law?

Article 23 of the Constitution of India prohibits all forms of forced and bonded labour

Article 24 of the Constitution of India states that no child below the age of 14 years shall be employed in work in any factory or mine or engaged in any other hazardous employment.

Article 39 of the Constitution directs State policy to ensure that "...the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter occupations unsuited to their age or strength"....and that children are given opportunity and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

The Child Labour (Prohibition & Regulation) Act, 1986 "prohibits employment of children who have not completed their fourteenth year in specified hazardous occupations and processes".

Article 32 of the **UNCRC, 1989** states that "States Parties recognise the right of the child to be protected from economic

exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development...”.

What can the Panchayat members do?

- Create awareness about the pitfalls of putting children to work.
- Motivate parents to send their children to school.



- Slowly create an atmosphere where children are pulled out of work and into school.
- Ensure that children are enrolled in school without difficulty
- Ensure that schools are accessible and available and that the infrastructure is adequate.
- Inform employers about labour legislation banning child labour and the consequences of flouting the law; thus discourage them from employing children and encourage them to employ adults.

- Ensure that adults are paid minimum wages.
- Use your official capacity to create infrastructure for day care through government's on going programmes such as the Balwadi and Anganwadi programmes, so that mothers can go to work and older children are not forced to drop out of school to take care of younger siblings.
- Unite against touts and middle-men who come looking for child labour in the villages and take them away.
- Activate the Village Education Committee to take up issues of improving access to schools and quality of education, teacher absenteeism, enrolment and drop-out rates, mid-day meals, provision of water and sanitation facilities in schools etc.

CHILD SEXUAL ABUSE

India has the dubious distinction of having the world's largest number of sexually abused children with a child below 16 years raped every 155th minute, a child below 10 every 13th hour, and one in every 10 children sexually abused at any point in time. And yet it is the least reported, discussed or even acknowledged forms of violence against children. It occurs in the home and outside.

You will agree that, it is one of the worst violations of the rights of children leaving long-term negative impacts on the child victims and even their families.

While girls are more vulnerable to being sexually abused, against popular belief, boys too are victims. A study, '*Sexual Abuse of Street Children Brought to an Observation Home*' by Deepti Pagare, G.S. Meena, R.C. Jiloha and M.M. Singh, Indian Paediatrics, Department of Community Medicine and Psychiatry, Maulana Azad College, conducted in 2003-2004 to assess the magnitude and pattern of sexual abuse among male

Sexual abuse of children, boys and girls, cuts across class, caste, ethnicity and religion.

Child sexual abuse is an ongoing, developing process. It can continue over a prolonged period, with the likelihood that the acts involved become increasingly more severe.

The younger the child who is being abused, the less able they will be to understand the abuse.

inmates of an observation home in Delhi, revealed that 61.1% showed physical signs of sexual abuse and 40.2% showed behavioral signs. Forcible sex was reported by 44.4% of victims and 25% had signs suggestive of sexually transmitted diseases. Children a few months, and even a few days old, are known to be victims.

Children with mental and physical disabilities are indeed at greater risk of abuse due to their vulnerability.

A child may be abused by someone he or she knows or by a stranger. The perpetrator in 90% of the cases is someone the child knows and trusts. The abuser usually violates a relationship of trust and takes advantage of his/her power and position. In a number of cases the abuser is someone very close to the child - the father, older brother, cousin or uncle or the neighbour. When the abuser is a member of the family, it is incest.

Children are too scared to tell anyone about the sexual abuse or the discomfort of being forced to watch a sexual act. Children find it even harder to break their silence in cases of incest. Fear of breaking up the family or the fact that they may not be believed, pushes them into silence. Parents and adults in the family, indeed society itself, brush aside their discomfort and ignore or deny the fact of rampant sexual abuse of children.

When children do report abuse, often their credibility is called into question, and their trust and confidence is again abused. A child's sense of guilt may be preyed upon to make him or her think that in some way they have caused the abuse by their own behaviour towards the abuser.

Source: Semantics or Substance?

Subgroup Against the Sexual Exploitation of Children, NGO Group for the Convention on the Rights of the Child, January 2005

Cultural and social factors, especially, have been noted as contributing to sexual abuse and exploitation of girls and women in particular, with the abuse hidden, ignored or considered to be a part of normal experience.

What Is Child Sexual Abuse?

- Any sexual conduct with or using a child i.e. a person below 18 years of age or exposure of such a person to sexual conduct by another person, with or without the consent of the child, for purposes of sexual gratification of self or others amounts to child sexual abuse.
- Clearly, child sexual abuse or sexual assault is not just rape. Indeed rape is just one form of child sexual abuse.
- Sexually abusive activities do not necessarily involve bodily contact between a child and their abuser. 'Non-contact' abuse can involve exhibitionism or voyeurism, such as an adult watching a child bathe or undress, or an adult forcing two or more children to engage in sexual activities with one another, as well as filming or observing them.
- Child sexual abuse occurs when an adult or another child who, by age or development is in relationship of responsibility, trust or power, uses a child for sexual gratification.

It is popularly believed that child sexual abuse occurs only when there is rape. But that is not so. A child may have been sexually abused even when there has been no rape.

Child Sexual abuse is present in a number of forms. Some are more physical in nature and therefore more obvious. Others are more insidious but result in the same if not greater damage. It is possible that there may be other forms of abuse that have not been mentioned here.

Sexual Molestation

Usually not physically stressful to the child. It includes petting, fondling, kissing, mutual masturbation, verbal sexual abuse and innuendo.

Rape

In Indian society rape is categorised by penile penetration in both heterosexuality and homosexuality.

Incest

Incest occurs when the abuser is a family member or is close enough to be 'as if' family.

Incest is sexual conduct between two persons related legitimately or illegitimately and would include an ancestor or descendant of the whole or half blood, a brother or a sister of the whole or half blood, or an uncle, aunt, nephew or niece by blood.

The abuse can begin in infancy, childhood or adolescence. It can be a one-time experience, something that happens more than once or repeatedly.

Incest is believed to be the most common form of child sexual abuse in India. A study by Sakshi, an organisation based in Delhi, showed that in 1997, 63% of girls in Delhi, have experienced child sexual abuse at the hands of a family member. In another study undertaken by RAHI (Recovering and Healing from Incest) based on a sample of a 1000 girls from 5 different states in India has shown that 50% of the girls said that they had been abused when under 12 years of age and 35% between the ages of 12 - 16 years.

Given the Indian attitude towards familial loyalty, it is the most difficult subject to discuss and therefore prosecute.

Sodomy

Sodomy occurs when a male abuser has forcible anal sex. Both girls and boys can be sodomised. However, sodomy is more commonly used in the case of boys.

The child may be abused in any of the following ways:

- Sexual Intercourse through penile penetration or use of objects or other parts of body.
- Exposing children to pornography and using them for producing pornographic materials.
- Directly or indirectly touching any part of the body of a child with an object or with a part of body for sexual gratification.
- Exposing or flashing genital organs or other parts of the body with sexual intent.
- Deriving voyeuristic pleasure by showing sexual activity or forcing two or more children to have sex with each other.
- Passing sexually coloured remarks or verbally abusing a child using vulgar and obscene language or actions.

The abuser may:

- Prime and control their victims through a process known as 'grooming', which can occur over a short period or over a number of years.

Grooming has the dual purpose of securing the cooperation of the victim, and sometimes that of the victim's carers, and of reducing the risk of discovery or disclosure by creating an atmosphere of normality and acceptance.

- Use threat or force or other forms of coercion and persuasion to get the child to comply out of fear, guilt or confusion. In some cases, violence or threats - that other family members will be harmed, or that a child will be taken from their family, for example - are used to force a child to comply with the abuse.
- Get access to the child through abduction, fraud or deception.

- Abuse power or take advantage of the child's position of vulnerability.
- Entice and allure by giving gifts, money etc. or, withhold rewards so as to control the child.

What is the Impact of Sexual Abuse on Children?

The impact of abuse may be short term and long term.

- Physical injury in the form of scratches, bites, cuts etc. bleeding in the genitals, or any other form of physical hurt.
- Children often suffer from fear, guilt, depression, anxiety, and sexual dysfunction and show gradual withdrawal from the family.
- Many victims also encounter problems in their adult relationships and in developing adequate sexual relationships.
- Over and above the sexual abuse that a child experiences, there is also an abuse of their trust, that leaves them disturbed for a long time, sometimes for the rest of their life and affects their relationships in the long-run, unless treated psychologically.

'Salim used to work as a kitchen hand in a beach side restaurant in a remote village of Kerala. Gradually he came close to the foreign tourists who visited his village. He used to sing and dance for them. Sometimes he even had to give them body massage in their private rooms. The tourists gave him some gifts or some money for the massage. Today Salim admits reluctantly that he has been engaged in sexual activity with some of the tourists'. Salim is undoubtedly a victim of child sexual abuse.

Source: Situational study on Child Sex Tourism in India. Weighing the GATS on a Development Scale: the case of tourism in Goa, India, Equations, November 2002

([www.ecpat.net/eng/Ecpat_inter/projects/sex_tourism/Equations%20Presnetai%20\(india%20South\).ppt](http://www.ecpat.net/eng/Ecpat_inter/projects/sex_tourism/Equations%20Presnetai%20(india%20South).ppt))

MYTHS	FACTS
Only Girls are sexually abused.	Both boys and girls are sexually abused. However, girls are more vulnerable.
Child sexual abuse occurs only among the poor, the working class, unemployed or uneducated families. It is not a middle class phenomenon. It occurs in the cities and towns and not in the rural areas.	Child sexual abuse cuts across gender, class, caste or ethnicity and happens to both urban and rural children.
Child sexual abuse is a western concept.	Sexual abuse has been in society as long as society has existed. The selling off of girls for prostitution or even the religious and cultural practices such as Devadasi system or the Jogini system are examples of this. However, over the years there has been more awareness and reportage of this violence. Studies among adult women have shown that as many as 75 per cent of them had experienced abuse in their child hood. Majority were incestuously abused or abused by known people. This myth serves to deny an uncomfortable truth.
Family is the safest haven. Only strangers sexually abuse children.	Sexual offenders in most of the cases are family members or are otherwise close to the child.
The abusers are psychopaths or mentally ill persons.	The abusers are not mentally sick persons against popular belief. Abusers are in fact characterised by their normality and diversity. Child sexual abusers attempt to justify their action in different ways and this is just one of those.
Children or adolescents often fantasise, make up stories and lie about being sexually abused.	Most disclosures by children are found to be true. The fantasy theory combined with society's denial of incest/child sexual abuse serves to blame the victim for the abuse.

MYTHS	FACTS
<p>Children provoke and seduce adults into having sex with them.</p>	<p>This is an adult perpetrator's perception. Children are innocent and vulnerable. They have little knowledge of sex and of adult sexuality and can in no way be held responsible for adult's responses. This myth serves to shift responsibility from the abuser to the child.</p>
<p>Incest/child sexual abuse only happens to 'bad' girls; look at her behaviour; she's not a very nice type.</p>	<p>These statements put many negative labels on to the victim in an attempt to minimise or deny the effects of incest/child sexual abuse. 'Anti-social' behaviours are an effect rather than a cause of sexual abuse in childhood.</p>
<p>An adolescent or an older child who possibly knows about sex and understands what is happening to her should have been able to stop it or tell someone about it.</p> <p>She/he consented to the act.</p>	<p>No matter how old the victim is, the abuser is always more powerful. The victim is no match for the craftiness of the abuser and he /she does not have the resources to stop the abuse from happening or to tell someone about it, especially if the abuser is a close family member. An understanding or knowledge of sex does not in any way equip the victim to tell.</p> <p>In the case of a child there is no 'consent'. As per law, any sexual intercourse with a girl below the age of 16 years amounts to rape.</p>
<p>Men are forced to have sex with their daughters or other children because their wives won't have sex with them or cannot satisfy them sexually.</p>	<p>Men who sexually abuse children do so in addition to, rather than instead of, having sex with their wife/adult partner. This myth shifts responsibility from the offender to his wife or the child's mother.</p>
<p>Mothers always know, either consciously or unconsciously, that sexual abuse is happening to their child.</p>	<p>Few men are careless enough to have a witness around when they abuse. Many mothers react with shock when they learn about the abuse. Often mothers, who do know about the abuse, are in no position to prevent it because of their own powerlessness.</p>

MYTHS	FACTS
<p>It is the mother's job to protect her children. Therefore she is equally responsible for the abuse.</p>	<p>A mother's failure to protect her children does not mean she is responsible for the abuser's actions. Child protection is the responsibility of every adult and does not rest solely on the mother.</p>
<p>Children are more likely to be abused by strangers.</p>	<p>Majority of child abusers are family members or those men who are known to the child and her family. Strangers do not have the same access to children and the opportunity to abuse that family members or known men have.</p>
<p>When the incestuous relationship is deeply caring and loving, it is not harmful to the child.</p>	<p>The actual sexual encounter may be brutal or tender, painful or pleasurable, but it is always destructive to the child. The fact that the offender appears caring, gentle and loving to the child can be a very disturbing aspect of the abuse and may leave a strong legacy of self-blame, guilt and mistrust of their own self and others.</p>
<p>Incest/child sexual abuse is harmless and does not affect the child adversely.</p>	<p>For any child, sexual contact with an adult, especially a trusted relative, creates a significant trauma, which often has long-lasting effects.</p>
<p>It is safer to have sex with children as children do not transmit the AIDS virus. Sex with a virgin can cure sexually transmitted diseases.</p>	<p>This is based on the assumption that children are not HIV infected and do not spread AIDS.</p> <p>No man has ever been cured of sexually transmitted diseases after sex with children.</p> <p>The worst is that such beliefs actually make children vulnerable to STDs, RTIs and HIV/AIDS.</p> <p>Sex with a child can infect the child with sexually transmitted diseases and/or HIV virus. Children have no bargaining power upon condom use and are vulnerable to dangerous sexual practices, most associated with transmission.</p>

MYTHS	FACTS
<p>Reporting of child sexual abuse causes more harm than good.</p>	<p>This statement is incorrect and damaging. It is necessary to report cases of child abuse as it will act as a deterrent, and will also create a data-base of vulnerable children and child abusers.</p> <p>Child sexual abuse is not reported because it is stigmatising, and there is apprehension that the complex legal procedure will further traumatise the abused child. There is also fear that the perpetrator of the offence will seek revenge. But this will not only allow the crime to continue in the society unchecked, there will also be no sense of justice left in the world.</p> <p>There can be no compensation for sexual abuse. Only when the victims are assisted in seeking justice can they regain their sense of self-worth and self-confidence. Denying them an opportunity to fight against the injustice can never be helpful. The very process of seeking justice can be empowering. If the process of law is not victim-friendly, society can demand for it rather than opt out of the process of seeking justice.</p>

Adapted from Information provided by RAHI Foundation.

<http://www.rahifoundation.org/incestchild> &

Child Sexual Abuse - Time for Action, an article by Prathiba Menon

http://www.combatlaw.org/information.php?issue_id=16&article_id=399

What is the Law?

Sexual abuse is any kind of sexual behaviour, which is unwanted or forced. It includes rape, sodomy, harassment and eve teasing. The law only recognises certain kinds of sexual abuse as an offence and there is no special offence of sexual abuse of a child by his or her relative.

The Indian Penal Code

The forms of child sexual abuse recognised by the Indian Penal Code are:

- Outraging the Modesty of a woman or a girl (Section 354)
- Rape (Section 376)
- Sodomy or Unnatural Offences (Section 377)

RAPE as defined in the IPC is when a man has sexual intercourse with a woman

- Against her will or without her consent.
- With or without her consent if she is under 16 years of age.
- When she is his wife and is under fifteen years of age.

‘Sexual intercourse’ is penetration of the vagina by the penis - it does not include oral sex or penetration with some other object.

The maximum punishment for rape is 7 years imprisonment but when the girl is under 12 or where the rapist is a person in authority (in a hospital, children’s home, a police station etc.), the punishment is greater.

Although forcible sex with a boy is an act of rape, the rape law of the country under IPC does not cover it. It is dealt with as unnatural offences under Section 377 of the IPC. There is no special legislation to cover sexual molestation of boys.

What can the Panchayat members do?

- The first step towards dealing with the problem of child sexual abuse is recognition and acceptance that boys and girls are abused and need assistance and support.



- Create awareness about the problem. This will help in prevention as well as encourage victims to come forward.
- Create forums where children can be given information and support within the village with the help of the schoolteacher, the anganwadi worker and the ANM.
- Listen to the child.
- Maintain confidentiality of the child.
- Ensure that a complaint and FIR is filed in the nearest police station.
- Seek legal advice.

TRAFFICKING

Child trafficking is when children are made to move from one place to another for the purpose of their exploitation by use of any of the following means:

threat, force or other forms of coercion or abduction or, deceit, fraud, allurement or enticement or by giving or receiving payment or other benefits.

Children, both girls and boys, are trafficked both within the country, from one State to another or one district to another, and across international borders.

The place from where they are trafficked is known as the source area. Areas that receive children are the destination points and some places are transit points used by traffickers in the process of taking children from the source to the destination.

One Minor Girl, Many Arabs

On the first of August 2005, forty five year old Al Rahman Ismail Mirza Abdul Jabbar, a Sheikh from the UAE, approached a broker – seventy-year-old Zainab Bi

in Hyderabad, near the historic Char Minar. The broker procured Farheen Sultana and Hina Sultana, aged between thirteen and fifteen, for twenty thousand rupees. The girls were married off to the Sheikh only to discover that it was a one night stand. After the wedding night the Arab left them both and went back to his country. The girls' parents were promised their share of the booty by the broker but when they didn't get it they went to the press to highlight the issue.

Source: One Minor Girl, Many Arabs. Times of India, New Delhi, Monday, 5 September 2005

Children are trafficked for many purposes. The ones that have been reported include:

- *Sexual Exploitation- forced prostitution, socially and religiously sanctified forms of prostitution, sex tourism and pornography.*
- *Illegal Activities- begging, organ trade, drug peddling and smuggling*
- *Labour - bonded labour, domestic work, agriculture labour, construction work, carpet/garment industry, diamond cutting, shrimp cultivation etc..*
- *Entertainment and sports - Camel jockeys and circuses*
- *Adoption*
- *Marriage*

Migration is closely associated with trafficking as men, women and children move out from the villages to small towns and cities and across the borders in search of work. Migration coupled with illiteracy and lack of awareness enhances the chances of luring the probable victims into the traps of the traffickers.

Child Trafficking is an organised crime. 1 to 4 million people are reported to be trafficked worldwide each year. This is only about trafficking from one country to another and does not include cases of in-country trafficking.

Impact of Trafficking on children

- Children are deprived of their right to a healthy and productive childhood.
- Can lead to physical and mental impairment of the child and in the worst scenario can even lead to the death of the child.
- The victims are more susceptible to sexual exploitation and are at higher risk of contracting HIV/AIDS.
- Children grow up as unskilled and illiterate adults.

It is said to be an operation worth more than 10 billion dollars annually.

Sometimes even parents are involved in selling or bartering their children away. As leaders of the community, all Panchayat Members must take a vow to stop child trafficking.

At a conservative estimate, about 200 girls and women enter prostitution daily in India. 20 percent of them are below 15 years of age.

Data on all forms of child trafficking is not known because trafficking for labour or marriage and such others purposes is never seen as a crime.

MYTHS	FACTS
The child had consented.	With children there is no question of consent. In any case, consent means informed consent, which is never taken even in the case of adults. It is always coercion, threat or abuse, deceit or fraud, allurements and enticement that result in children agreeing to move from one place to another.
Marrying daughters to wealthy Arabs ensures safe future for the girls.	Wealthy Arabs usually divorce the girls soon after marriage and abandon them or they use them as slaves back home.

<p>It is always safe to send children to big cities to work with a relative or friend.</p>	<p>Relatives and friends often sell children to brokers in the cities for a few thousand rupees or engage them in exploitative labour.</p>
<p>Buying and selling children for adoption is in the best interest of the child.</p>	<p>Buying and selling children is criminal. Children are not vegetables to be bought and sold in the market. No child who comes to know about being sold by his parent will feel happy about it. It is, therefore, never in the best interest of the child.</p> <p>On the other hand children may be made available for adoption if the parents feel they are unable to raise their child in their given circumstances. But this must be through a legal process. Only a legal adoption can be in the best interest of the child. However, in the absence of proper implementation of laws and with adoption rackets busting all over the country, it is better to be cautious. Also this increases the danger of children being given in adoption to abusive families.</p>

What is the Law?

There is no legal definition of ‘trafficking’ in the Indian laws. While children are trafficked for many purposes, there is no one comprehensive law to deal with all forms of child trafficking. The only law that talks about trafficking is the Immoral Traffic (Prevention) Act, which deals with trafficking of minors for prostitution. However, there are several provisions in the Indian Penal Code and some local and special laws that may be used while dealing with a case of child trafficking.

The legal framework available for dealing with a case against child trafficking:

- Indian Penal Code 1860. The IPC punishes cheating, fraud, kidnapping, wrongful confinement, criminal intimidation, Procurement of minors, buying and selling of minors for immoral purposes.
- Juvenile Justice (Care and Protection of Children Act), 2000.

This law helps to ensure care and protection for trafficked children and their restoration to and reintegration with their family and community.

Special and Local Laws

- Andhra Pradesh Devadasi's (Prohibition of Dedication) Act, 1988 or Karnataka Devadasi (Prohibition of Dedication) Act, 1982.
- Bombay Prevention of Begging Act, 1959.
- Bonded Labour System (Abolition) Act, 1976.
- Child Labour Prohibition & Regulation Act, 1986
- Child Marriage Restraint Act, 1929.
- Guardian ship and Wards Act, 1890.
- Hindu Adoption and Maintenance Act, 1956.
- Immoral Traffic (Prevention) Act, 1986.
- Information Technology Act, 2000.
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.
- Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.
- Transplantation of Human Organs Act, 1994.

What can the Panchayat members do?

- The first step towards dealing with the problem of child trafficking is widespread awareness about the issue. Panchayat members must make themselves and people in their village aware of the dangers of child trafficking and the harm it causes to the child.
- Every Panchayat member should ensure that his/her Panchayat maintains records of people migrating out of the village.
- Birth registration and registration of marriages can also go long way in protecting children from being trafficked. All Panchayats must take on the responsibility of keeping such records.
- Ensure that a complaint is filed in the nearest police station if you find a child missing or if a child is kidnapped or you suspect a case of trafficking.



- Strict vigilance by Panchayats can help children from being trafficked and will also deter the traffickers.
- Seek legal advice.
- Build support and a conducive environment for the trafficked victims to ensure that they can be successfully repatriated and reintegrated with their families and community. The decision of the Panchayats is very important in the village. You can take some positive steps and help trafficked children return to their communities. If you stop seeing it as the child's fault, the others in your constituency will follow you.

HIV/AIDS

While precise and exact figures are not available, there is no doubt that several thousands of children in our country are today either infected with HIV/AIDS or affected by it.

Street children and child labourers are particularly vulnerable due to high incidence of sexual abuse and exploitation and drug

With an estimate of 5.1 million HIV infected people, India has the second highest number of people with AIDS. In 2003, NACO estimated 0.55 lakh HIV infected children (0-14 years) in the country.

abuse. All these children have little or no family support, no access to services without the welfare and social safety nets of the organised sector. Child prostitution, child trafficking and sexual abuse leading to forced and coerced sex increase the vulnerability of children to HIV.

The most common cause of infection among children is the mother-to-child transmission. Besides this, sexual abuse, blood transfusion, use of unsterilised syringes are also known sources of infection.

To date, there is no cure for HIV or AIDS and there are no vaccines to prevent HIV infection.

Discrimination against Children Infected or Affected by HIV/AIDS

People living with HIV/AIDS are often discriminated against and treated as outcasts. The social stigma attached to HIV/AIDS is so great that both infected and affected children in our country are denied their basic rights to survival, development, protection and participation.

Children whose parents are infected with HIV/AIDS become orphan and destitute, and are deprived of parental care and protection due to untimely death of their parents. Social stigma and discrimination continue to mark the fate of children infected with or affected by HIV/AIDS. As parents get sick and die of AIDS, family burdens shift to children. There are many child headed households in India today and these children need help. Children – particularly girls – are often forced to leave school to earn money, procure food, and care for the ill or their siblings. Lack of

access to information, care and treatment, counselling and rehabilitation, social security and other support services only further adds to their problems.

There have been instances in our country where children infected with or affected by HIV/AIDS have been denied their right to education. Community, including family members and relatives, often sever all relations with infected or affected persons, leaving them to fend for themselves and struggle through their life all alone.

Moreover, the stigma and discriminatory behaviour often prevents infected people from seeking medical help. In order to prevent the disease from spreading further we need to ensure that people who have already contracted the virus or the disease are receiving adequate care, treatment and other assistance. Should we then allow the problem to grow or create an enabling environment so that the issue gets discussed in public fora, so that there is wider acceptance of the problem, people become more aware and those requiring help are able to seek and receive it?

MYTHS	FACTS
HIV and AIDS are one and the same thing	HIV is the human immunodeficiency virus that causes AIDS. When a person is infected with HIV, the virus enters the body and lives and multiplies primarily in the white blood cells. These are the immune cells that normally protect us from disease. As the virus grows, it damages or kills these and other cells, weakening the immune system and leaving the individual vulnerable to various opportunistic infections and other illnesses, ranging from pneumonia to cancer.

MYTHS	FACTS
<p>Being HIV positive means a person has AIDS.</p>	<p>All HIV positive persons do not have full blown AIDS.</p> <p>When HIV first enters the body, the immune system immediately attacks the virus, and keeps it under control for a number of years. During this time, the virus is at constant battle with the immune system. The body tries to get rid of the virus, but can only keep it under control. After a number of years, the immune system starts to lose its battle against HIV. After an average of 10 years of fighting HIV, the immune system starts to weaken, and this is when full-blown AIDS begins. During this 10-year period, a person may have no symptoms at all, and feel fine and look fine. During this time, the person is considered HIV positive, but does not yet have full-blown AIDS.</p> <p>Drug treatments are available to stop people living with HIV from developing AIDS.</p>
<p>AIDS is an African problem or, the effect of the HIV/AIDS crisis on children is confined to Africa.</p>	<p>AIDS is a global problem.</p> <p>In the twenty years since the world first heard of AIDS, the epidemic has spread to every corner of the world. While it has taken its heaviest toll in Africa so far, it is now spreading with frightening speed elsewhere - including in regions not far from here. In Asia, India has the largest number of people with HIV/AIDS, followed by China.</p> <p>The reality is that in our globalised world, there are no safe countries.</p>
<p>This cannot happen to us. It happens to people with bad karma.</p>	<p>In the ruthless world of AIDS, there is no "us and them". HIV/AIDS does not discriminate on the basis of skin, colour, caste, class, religion, geographical location, moral turpitude, good or bad deeds. All humans can become infected with HIV.</p>

MYTHS	FACTS
<p>HIV can be transmitted through...</p> <ul style="list-style-type: none"> • toilet seats or door-knob handles. • touching, hugging, holding hands, or cheek kissing with an HIV-infected person. • sharing eating utensils with an HIV-infected person. • mosquito bites. • sharing exercise equipment or playing sports with an HIV-positive person. 	<p>HIV is transmitted through contact with an HIV-positive person's infected body fluids, such as semen, pre-ejaculate fluid, vaginal fluids, blood, or breast milk. HIV can also be transmitted through needles contaminated with HIV-infected blood, including needles used for injecting drugs, tattooing or body piercing.</p>
<p>Sex with a child is safe and can help prevent HIV/AIDS.</p>	<p>Sex with a minor, girl or boy, is a crime and amounts to the offence of rape or unnatural offences under section 376 and 377 of the Indian Penal Code. In fact a person having sex with a minor is likely to pass on sexually transmitted diseases, including HIV virus to the minor.</p>
<p>Safer sex prevents HIV.</p>	<p>Sex without penetration or sex while using a condom reduces but does not eliminate the risk of acquiring or transmitting an STD like HIV. In fact an individual having oral sex with a man or a woman or a child can also acquire HIV. Sexual abstinence is the surest way to prevent the sexual transmission of an STD, including HIV.</p>
<p>Getting tested for HIV is pointless.</p>	<p>Knowing that a person is HIV-positive will help seek early treatment that can help the person stay healthy longer and enable him/her not to pass on the virus to someone else.</p>

MYTHS	FACTS
Only high-tech and high-cost solutions can make a difference in the lives of children orphaned or affected by AIDS.	The solutions themselves are not complex or expensive, but the number of children in need is great and growing. By working with communities, local governments and nongovernmental organizations, we can support these children by helping them stay in school and acquire skills. We can ensure that they get adequate protection, food and health care, and support to cope with the grief and trauma of losing one or both parents to AIDS.
AIDS prevention and treatment programmes are very costly.	These programmes are costly, but the cost of doing nothing will outweigh the cost of intervention. The costs of programmes have been, and will continue, to be reduced greatly.

Adapted from:

• Louise Fréchette, *The UN and the Global Fight Against HIV/AIDS: Myth and Reality*, <http://ccea.org/viewMedia.php/prmTemplateID/8/prmID/115>

• *HIV/AIDS: MYTHS VS. REALITY*, Baruch Health Network, <http://www.scsu.baruch.cuny.edu/scsu/health/hiv/hivmyths.html>

• *Myths and Realities about Children and HIV/AIDS*, Save the Children USA, http://www.savethechildren.org/health/hiv_aids/top_five.asp

What is the Law?

The Government of India has taken some policy measures to address HIV/AIDS related issues. The National AIDS Control Authority (NACO) has a policy on HIV/AIDS addressing both prevention and treatment aspects and underlying the principles of non-discrimination, voluntary testing, informed consent and confidentiality. The Government has, by an Administrative Order, required the screening for HIV of all units of blood to be used for transfusion purposes.

While a specific law to protect the rights of HIV positive people is in the process of being formulated, there are certain basic rights that the Constitution of India guarantees to all citizens and stand applicable even if a person is HIV positive. These are:

- Right to Informed Consent
- Right to Confidentiality
- Right Against Discrimination

Right to Informed Consent

Consent has to be free. It should not be obtained by coercion, mistake, fraud, undue influence or misrepresentation.

Consent also needs to be informed. This is particularly important in a doctor- patient relationship. The doctor knows more and is trusted by the patient. Before any medical procedure, a doctor is supposed to inform the patient of the risks involved and the alternatives available so that the person can make an informed decision to undertake the procedure or not.

The implications of HIV are very different from most other illnesses. That's why testing for HIV requires specific and informed consent from the person being tested. Consent to another diagnostic test cannot be taken as implied consent for an HIV test. If informed consent is not taken, the concerned person's rights may have been violated and he/she can seek a remedy in court.

Right to Confidentiality

When a person tells someone in whom she/he places trust something in confidence, it is meant to be confidential. Sharing it with others thus amounts to breach of confidentiality.

A doctor's primary duty is towards the patient and to maintain the confidentiality of information imparted by the patient. If a person's confidentiality is either likely to or has been breached, the person has the right to go to court and sue for damages.

People living with HIV/AIDS (PLWHAs) are often afraid to go to court to vindicate their rights for fear of their HIV status becoming public knowledge. However, they can use the tool of 'Suppression of Identity' whereby

a person can litigate under a pseudonym (not the real name). This beneficent strategy ensures that PWLAs can seek justice without fear of social ostracism or discrimination.

Right Against Discrimination

The right to equal treatment is a fundamental right. The law provides that a person may not be discriminated against on any grounds of sex, religion, caste, creed, descent or place of birth etc. either socially or professionally by a government-run or controlled institution.

The right to public health is also a fundamental right - something which the state is supposed to provide to all persons. HIV positive persons seeking medical treatment or admission to a hospital cannot be rejected. If they are denied treatment, they have remedy in law.

Similarly, a person with HIV may not be discriminated against due to his/her positive status in an employment scenario. Termination in such a situation would give that person an opportunity to seek legal redress.

Someone who is HIV positive but otherwise fit to continue the job without posing substantial risk to others cannot be terminated from employment. This has been held by the Bombay High Court in May 1997.

In 1992 the Minister of Health & Family Welfare, Government of India, sent an administrative notification from to all State Governments directing them to ensure non-discriminatory access to treatment and care for PLWHAs in all Central and State Government health care institutions.

Source: Legal issues in HIV/AIDS <http://www.indianngos.com/issue/hiv/legal/index.htm>

What can the Panchayat members do?

Everybody has a part to play: local and national governments, communities, businessmen, universities, foundations, individuals - people like you.

As with all other issues, HIV/AIDS too calls for recognition of the problem and a political will to fight it. The *Panchayats* are the most basic unit of decentralized form of governance in our country. As an elected representative every *Panchayat* member counts in forming the political will.

Discriminating against HIV positive persons or those affected by it will not solve the problem but only let it spread. So act right now!

Work in your constituencies to help dispel the myths and propagate the reality about HIV/AIDS. Spread awareness and information, mobilize community action and build an environment conducive for ensuring people's human rights. Help prevent the spread of HIV/AIDS. It is true that when we talk about prevention, we raise very sensitive



subjects and discuss highly intimate things - aspects of life that many societies find it difficult to address publicly. But it is also true that there have been successful prevention campaigns in very different societies and countries such as in Brazil and Thailand. Effective prevention efforts in these countries were developed by actors inside the country and not by people from other countries. All of them took account of the local cultural context. Can we not do the same in India?

Regardless of one's HIV positive status, people must be encouraged to learn how to prevent future infection from HIV or other STDs through counseling provided at the VCTCs. Therefore, even if there is no HIV positive person in your village, it is important to promote establishment of voluntary counseling and testing centres (VCTCs) and spread awareness to encourage counseling offered at such centers.

Most of the children orphaned by AIDS in Africa remain in their villages among family and friends who do their best to support and care for them. Every *Panchayat* can promote community-based rehabilitation of children in any kind of distress, including those fighting HIV/AIDS.

All Village Education Committees should pass clear guidelines for schools to follow the principle of non-discrimination against children infected and affected by HIV/AIDS as well as initiate school awareness programmes on the subject. You must help build a public opinion on it and mobilize your other colleagues to include HIV/AIDS on the agenda of the Village Education Committee in your *Panchayat*.

CORPORAL PUNISHMENT

Spare the rod and spoil the child is what most adults have grown up believing.

Adults who were beaten by their parents and teachers always feel it is right to do so. They often forget the trauma which they had undergone when they were young and were subjected to physical and degrading forms of punishment.

Corporal punishment is defined as the use of physical force with the intention of causing a child pain not for the purpose of injury but for correction.

Corporal punishment is often used as a measure to discipline children. Children are at the receiving end from parents, teachers and non-teaching school authorities. Almost all schools inflict corporal punishments on students for various reasons and most parents beat their children.

In the name of discipline, children are known to have had their bones and teeth broken, their hair pulled out and forced into acts of humiliation.

Corporal punishment is the most ineffective form of disciplining as it rarely motivates an individual. It does more harm than good to the child.

How does corporal punishment harm a child?

It has a negative impact on the psyche of young minds as it usually takes the shape of hatred, terror and fear in the nascent minds.

The punishment of such kind leads to creation of anger, resentment and low self-esteem. It contributes to feelings of helplessness and humiliation, robbing a child off her/his self-worth and self respect and leading him/her to withdrawal or aggression. It teaches children violence and revenge as solutions to problems.

Children might imitate what the adults are doing. Children begin to believe that it is good to use violence and there

is nothing wrong with it. Children may even assault their own parents or teachers in retaliation. Victims of corporal punishment during childhood are more likely to hit their children, spouses or friends in adulthood.

Ultimately it all leads to erosion of trust between teacher and a child or a parent and a child.

Source: Adapted from Corporal Punishment: Violation of Child Rights in Schools, an article by Prof. Maadabhushi Sridhar, LL.M., M.C. J., Ph.D.- Nalsar University Of Law, Hyderabad. For details log on to www.Legal Service India.com

MYTHS	FACTS
<p>Sometimes it is necessary to punish children physically in order to teach them some discipline</p>	<p>Discipline can never be taught, it is learnt. Discipline is an attitude, character, responsibility or commitment. Discipline is basically internal, while the attempt to impose it would be an external process.</p>
<p>Parents and teachers have a right to discipline their children</p>	<p>Right to discipline children cannot be at the cost of their right to development and participation. In fact children’s right to participation alone can set the tone for discipline.</p> <p>In any case there is no religion or law that allows corporal punishment. Nobody has any legal or moral authority to physically punish children simply because they are unable to control the situation in any other way.</p>
<p>Corporal punishment is sometimes useful</p>	<p>Punishment may deter a child from repeating act of indiscipline to some extent, but it cannot improve her/his understanding of the subject or make her/him more intelligent.</p> <p>In fact it has numerous negative consequences on the child.</p> <p>Many street and working children have pointed out corporal punishment at school as one of the reasons for running away from school and also their families and homes.</p>

What is the Law?

There is no law banning corporal punishment by parents and corporal punishment in institutional settings. In some States however, corporal punishment is banned in schools.

The Government is working at a law on child abuse, listing out corporal punishment as an offence against a child. However, till such law comes into existence, whatever is available may be brought into use.

Adults should recognise a child as a person, as an individual who has a right to liberty, privacy and dignity. Corporal punishment interferes with the right to development and participation.

‘Spare the rod and save childhood’ should be the new slogan.

States in India that have banned or upheld corporal punishment		
States	Corporal punishment (banned or upheld)	Law / Policy
Tamil Nadu	Banned	Corporal punishment was prohibited in Tamil Nadu in June 2003 through an amendment of Rule 51 of the Tamil Nadu Education Rules prohibiting the infliction of mental and physical pain during “corrective” measures.
Goa	Banned	The Goa Children’s Act 2003 bans corporal punishment in Goa .
West Bengal	Banned	In February 2004, the Calcutta High Court ruled that caning in state schools in West Bengal was unlawful A PIL has also been filed by Tapas Bhanja (advocate) in the Calcutta High Court.

Andhra Pradesh (Hyderabad)	Banned	School Education Secretary IV Subba Rao issued Government order (GO Ms No 16) on February 18, 2002, replacing the provisions on corporal punishments issued earlier GO Ms No 1188 in 1966. Through the new order of 2002, the Andhra Pradesh government imposed a ban on corporal punishment in all educational institutions by amending Rule 122 of the Education Rules (1966), violations of which should be dealt with under the Penal Code.
Delhi	Banned	Petition filed by Parents Forum For Meaningful Education. The Delhi School Education Act (1973) had provision for corporal punishment that has been struck down by Delhi High Court. In December 2000, the Delhi High Court ruled that provisions for corporal punishment in the Delhi School Education Act (1973) were inhumane and detrimental to the dignity of children.
Chandigarh	Banned	Corporal punishment was prohibited in Chandigarh in the 1990s.
Himachal Pradesh	Has decided to Ban	The State decided to ban corporal punishment in schools after a report of a child becoming disabled due to corporal punishment.

What can the Panchayat members do?

- All Panchayat Members must set an example for others by prohibiting corporal punishment for children in their homes and dissuading others from it.
- Mobilise your other colleagues in the Panchayat to take a stand against use of corporal punishment in schools and at home.
- Such issues must be taken up at the Village Education Committee meetings. Imagine how useful it would be to get the Village Education Committee in your village to put a ban on corporal punishment in schools!

- If you hear of any such incident in any school in your village you can take it up with the Village Education Committee or the Department of Education in your district.



- Where you find caste as a factor responsible for it, you must report the matter to the police.

CASTE DISCRIMINATION

Untouchability continues to be practised in India and children are innocent victims!

Whether in school or on the playground, there are many children who face caste discrimination even as human civilisation advances towards modernisation and progress.

We often argue that *it is not we who have created social hierarchy, it has always been there*. But why do we forget

that it is society that has created this divide to keep the power structures intact.

MYTHS	FACTS
<p>In the modern and globalised Indian society there is no caste discrimination.</p>	<p>There is enough evidence to show that the economic, social and cultural rights of some sections of the society have been denied on a massive scale, particularly in terms of access to education, health care, social security services, programmes for child labourers, debt bondage and the continuation of degrading practices such as manual scavenging.</p> <p>Inter caste marriage is still an illusion, the realisation of which leads to gross forms of violence.</p> <p>Administrative measures and statutory bodies established to protect and safeguard the rights of the Dalits have failed.</p> <p>The social justice laws are simply broken with impunity.</p>
<p>Children never face the wrath of caste discrimination as they are loved by all.</p>	<p>This is nothing but wishful thinking. A person's first encounter of caste discrimination is at a very early age, in school, in playgrounds, in hospital and the list can be endless.</p>
<p>By referring to caste discrimination again and again we only let the problem stay.</p>	<p>The fact is that the problem of caste discrimination is so deep-rooted that it continues to persist whatever said and done.</p>

What is the Law?

The Constitution of India

Article 14 - Guarantees Equality before the law and equal protection of laws to each and every person in the country

Article 15 - Prohibits discrimination on grounds of race, caste, sex, descent, place of birth or residence.

Article 16 - Prohibits discrimination on grounds of race, caste, sex or place of birth in any public employment.

Article 17 - Abolishes 'Untouchability' and declares practice of 'untouchability' in any manner whatsoever, a punishable offence.

The first Indian law that came into force to provide for punishment for the preaching and practice of 'Untouchability' and for any matter connected with it was '**The Protection of Civil Rights Act, 1955**'. Even calling a scheduled caste by her/his caste name e.g. calling a 'chamar' a 'chamar' is a punishable offence under this law.

In 1989, the Government of India enacted '**The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act**', which recognises various kinds of acts of violence and discrimination inflicted upon the Scheduled Castes and the Scheduled Tribes by Non-Scheduled Castes and Non-Scheduled Tribes as punishable offences. It also provides for establishment of Special Courts at district level to try the offences under this Act, appointment of Special Public Prosecutors for the purpose of conducting cases in Special Courts, and imposition of collective fine by the State.

What can the Panchayat members do?

Caste prejudices must be shunned. *Panchayats* must play an active role to initiate a change. Mass awareness drives must be taken up by the Panchayats in this regard.

Panchayats should also ensure that the law of the land, prohibiting and abolishing 'untouchability' and caste prejudices is implemented effectively. Once a *panchayat* decides to establish a non-discriminatory image for itself, every step becomes achievable.

In the new *Panchayati Raj* system established by

the 73rd Constitutional amendment, every village panchayat today has elected representatives from the Scheduled Caste or Scheduled Tribe communities as members. While the representation has increased from what it used to be prior to reservation of seats at the panchayat level, nothing really has changed on the ground. A Scheduled Caste representative gets elected only from amongst a constituency of people belonging to the same category. The real change would have actually ensured this Scheduled Caste person an opportunity to get elected from a non-Scheduled Caste constituency also. But that can only happen if people start intermingling and living together.



STREET AND RUNAWAY CHILDREN

In cities and small towns, around railway stations, bus stands, footpaths and such other public places we see children roaming about idly, collecting waste or selling things. It might be a common phenomenon for most people but they all have a story that has so much to tell about their exploitation. Though some of them live with their parents/guardians, majority in cities like Delhi are all by themselves.

Children runaway from their homes for many reasons

- Search of better life opportunities
- Glamour of Metros
- Peer pressure
- Unhealthy family relations
- Abandoned by their parents
- Fear of being beaten up by parents or teachers
- Sexual abuse
- Caste discrimination
- Gender discrimination
- Disability
- Discrimination due to HIV/AIDS

A large section of street children comprises run away children, who leave their homes in search of better life opportunities or for the glamour of Metros or, succumb to peer pressure and enter cities where they live in most pathetic conditions. Hailing from rural areas, there should be no surprise if you find one or more of them from your village itself.

These children are often unable to find even two square meals a day for themselves and are most vulnerable to abuse. Once on the streets, they enter the vicious cycle of exploitation and related problems. On coming in contact with older children, the new and younger ones soon engage in rag picking or other forms of work easily available or, in illegal activities like pick-pocketing, begging, drug peddling etc.

MYTHS	FACTS
You have no concern with street children, you can't intervene in their life.	Majority of street children living in cities belong to villages. If you address the problem of children living in your village you can stop them from running away or becoming street children.
Children living on streets are bad.	Children living on streets are never bad. It is the situation in which they are living that is bad.
Only children from poor families run away.	Any child could runaway if she/he is not taken good care of. Every child has a right to live with dignity and any parent/family/village that denies this right may have to lose out on child(ren).
You can never find a child who has runaway	This is not true. If a system of recording missing children's information is put in place at every village panchayat level and the police is informed or help of the child line is sought, children can be traced. There are many Government and Non-Governmental agencies working with runaway children. They maintain a database of such children and in their effort to restore them to their families, these agencies contact the local Police on the basis of information provided by the child.
Children who runaway once can runaway again.	If runaway children are sent back to their families without ensuring a conducive environment back home, they may runaway again. By and large, if there is not enough time lapse since a child leaves her/his home, the chances of children being restored to their families are greater and such children often do not run away again.

What is the Law?

Juvenile Justice (Care and Protection) Act 2000

The Juvenile Justice (Care and Protection) Act 2000 deals with “juvenile” or “child” (a person who has not completed eighteenth year of age) who are in

- need of care and protection
- conflict with law

Children in need of care and protection

According to 2 (d), a “child in need of care and protection” means a child-

- who is found without home or means of subsistence,
- whose parent or guardian is unable to look after the child,
- who is an orphan or whose parents have abandoned her/him or who is missing and has run away and whose parents cannot be found after reasonable inquiry,
- who is abused, tortured or exploited for sexual or illegal acts or, is vulnerable to such abuse.
- who is vulnerable to drug abuse or trafficking.
- who is abused or vulnerable to abuse.
- who is victim of any armed conflict, civil commotion or natural calamity.

Child Welfare Committee

- According to the law every State Government is supposed to constitute for every district or group of districts, one or more Child Welfare Committees to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection as well as to provide for their basic needs and protection of human rights.

Production before the Committee

Any child in need of care and protection can be produced before the Committee by a special juvenile police unit or a designated police officer; a public servant; childline; a registered voluntary organisation recognised by the State Government; a social worker or a public spirited citizen authorised by the State Government; the child herself/himself.

The Child Welfare Committee may pass an order to send the child to a children’s home and initiate a speedy inquiry by a social worker or child welfare officer.

After the completion of the inquiry, if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children’s home or shelter home till suitable rehabilitation is found for her/him or till she/he attains the age of eighteen years.

Children in conflict with law

Juvenile in “conflict with law” means a juvenile who is alleged to have committed an offence.

Juvenile Justice Board

The State Governments are also supposed to constitute for a district or a group of districts, one or more Juvenile Justice Boards to deal with children in “conflict with law” and grant bail and dispose off such case in the best interests of the child.

What can the Panchayat members do?

When a child runs away from your village

- The first step is to inform police because if Police and



NGO workers at different places identify your child, they will inform your local Police Station on the basis of information gathered from her/him.

- Inform Childline, a helpline for children, nearest to your village by calling them up on 1098.
- Watch television and read newspapers, especially missing columns continuously for three, four months.

When a runaway child is restored to her/his family by Police, NGOs or other sources or when such a child returns on her/his own

- Talk to the child and parent(s) and try to identify the child's problems within the family.
- Support the family in taking care of the child by linking them with required services.
- Ensure a conducive environment at home so that she/he does not runaway again.
- Thank the agency that brings the child back.

To prevent every child in your panchayat from running away

- Establish a missing child information system at the panchayat level just as you establish a birth registration system or maintain population records.
- Children can be the best source for procuring such information, so give them the leadership role.
- Mobilise other panchayats in your district to lobby with your State Government for establishment of a Child Welfare Committee and a Juvenile Justice Board in your district.
- Make more and more people aware of childline.
- Create neighbourhood watch dog bodies or vigilance committees to address the issues of domestic violence, alcoholism, corporal punishment, sexual abuse, discrimination based on gender, caste and disability and other factors that force children to runaway from home.

Child Sacrifice

Sacrifice is usually considered as an expression of devotion. In order to obtain favours from God offering is made to various deities. Some people feel that the best way to please God is to offer human life as it is considered to be the supreme sacrifice. Normally a person is supposed to sacrifice her/his most valuable possession. As children are priceless and the most cherished possession of mankind they have been subject to such barbaric rituals till date.

Children are the most vulnerable sections of the society and hence fall easy prey to evil practices like – child sacrifice. On one hand we claim to give maximum protection to children keeping in mind their vulnerability and yet on the other hand we take advantage of the fact.

Child Sacrificed on Tantrik's Order

A four-and-a-half-year-old girl was sacrificed in a village in Muzaffarnagar by a woman called Rekha on the orders of a tantrik who was treating her, the police said on 15 June 2005. The body of the child, Surjo, was found in a field near Kherki village in western Uttar Pradesh with her 'fingers cut off and her hair burnt to a cinder', they said.

The police said the woman, Rekha, was a patient of a tantrik, Om Pal, who instructed her to sacrifice a child to be cleansed of her 'ailment'. Rekha along with two others, allegedly abducted the girl and brutally sacrificed her

Source: Child Sacrificed on Tantrik's Order - rediff.com - PTI News - 15 June 2005

MYTHS	FACTS
One can please deities by offering children to them as it is considered to be an act of sacrifice.	The general belief is we can please deities by sacrificing our most valuable possession. And as a result the deities will fulfill our wishes. However, few human beings sacrifice the life of fellow human beings (often children) in order to please Gods. How can Gods be pleased by such a barbaric act? Our religions tell us to believe in non-violence and simple living. No religion gives one the authority to take the life of other human beings. Sacrifice means - an act of giving up. Then how can a life be taken in the name of sacrifice?
Offering children to deities can cure one of her/his sins.	This is not true. By taking another life one is again committing a sin. And hence it adds up to one's list of sins instead of being cleansed of all the previous sins.
By offering children one can be cured of all the ailments.	Illness, whether physical or mental, is a part of life. Ailments cannot be cured by taking a young life.

THE DISABLED CHILD

Rights of a Disabled Person

Disabled persons have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.

Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.

Source: The General Assembly of 1975, Declaration on the Rights of Disabled Persons

A mentally or physically handicapped person is usually a subject of sympathy. We forget that as an individual a disabled person too has rights and more than sympathy what he/she requires is empathy.

Often we associate disability with stigma. A family having a mentally ill person is usually ostracized and looked down by the community.

A disabled child is normally labelled as economically unproductive and is treated as an additional burden on the family. Parents do not send disabled children to school, as they believe that education will be of no use to the child. So, why should they further bear the burden on their shoulder? Only a fraction of disabled children seek admission in schools.

Disabled children have special needs and we need to address these needs. If given opportunity they can also learn life-supporting skills. Disability becomes a tragedy only if we fail to provide the things which one needs to lead one's life.

MYTHS	FACTS
Education is of no use to a disabled child.	Education is important for each and every child irrespective of the child's disability as it helps in the overall development of the child.
A disabled child is not of any worth. Such children are a burden on the family as they are economically unproductive	Through appropriate training a disabled child can be taught some skills which can provide her/him an opportunity to earn a decent living.
Birth of a disabled child is associated with the wrongs done by the child's parents in previous life.	Disability has nothing to do with doings of the past. It is a deformity caused during pregnancy due to lack of proper care or sometimes it is genetically inherited by the child.

What is the Law?

While all laws that apply to all children are also applicable to the disabled child, there are also some special laws to address their special needs. These are:

- ***The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995***

This Act ensures equal opportunities for people with disabilities and their full participation and provides for both preventive and promotional aspects of rehabilitation like education, employment and vocational training, job reservation, research and manpower development, creation of barrier-free environment, rehabilitation of persons with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc.

- ***The Mental Health Act, 1987***

This Act ensures that no stigma is attached to persons suffering from mental illness and mentally ill persons are to be treated like any other sick persons and the environment around them should be made as normal as possible.

- ***The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999***

This is an Act to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected with them. It aims to provide total care to persons with mental retardation and cerebral palsy and also manage the properties bequeathed to the Trust.

Besides these laws there are some schemes and programmes or special provisions within programmes and schemes directed at children with disabilities such as:

- The Integrated Education for Disabled Children Scheme, was launched in 1974, to admit children with disabilities in regular schools;

- The District Primary Education Programme, 1985, which acknowledges the fact that universalisation of education is possible only if it includes children with disabilities;
- The National Policy on Education, 1986, promotes the integration of children with mild disabilities into the mainstream;
- The Project Integrated Education for the Disabled, launched in 1987, encourages all schools in a neighbourhood to enroll children with disabilities;
- The National Trust for the Welfare of Persons with Autism, Cerebral Retardation and Multiple Disability, 1999, recommends promotion of inclusive education;
- The Sarva Shiksha Abhiyan (SSA, 2000), pledges that “every child with special needs, irrespective of the kind, category and degree of disability, is provided education in an appropriate environment”;

Included by law, but little else

When Vincy D’Silva learnt that her son had dyslexia, her first reaction was of disbelief. Though he lagged behind in academics, she had determinedly tutored him at home, hoping the next progress report would bring better marks and news. Her son studied at a Mumbai school affiliated to the Indian School Certificate Examinations (ICSE) board, whose circulars spell out in no uncertain terms that children with disabilities should be given grace marks in tests and additional time to finish exam papers. The school authorities, however, weren’t interested in these ‘concessions’. Her son was detained in the sixth standard, though all that stood between him and a pass percentage was his rightful share of grace marks. D’Silva took her complaints to the principal and the higher-ups in the school management, but no solution was forthcoming. She was forced to file a petition in the Bombay High Court, where her case is now being heard. Her son, meanwhile, is repeating his sixth standard classes.

D'Silva's story is probably not unique, in a country where children with disabilities are routinely edged out of an education system that's hesitant to acknowledge - let alone celebrate - diversity. Inclusion may well be the key word in India's current education policy, but as D'Silva's experience well demonstrates, there is a world of difference between the enactment of legislation and its implementation.

Source: Included by law, but little else, <http://www.indiatogether.org/2006/jan/edu-speded.htm>

What can the Panchayat members do?

- The first activity that is required is for members to get to know more about disabilities, physical as well as mental. Only then will they be able to help others because different types of disabilities may need special and specific interventions.
- Establish contact with organisations providing services for the disabled and connect them with disabled children and their families.



- Create awareness in the community in order to disassociate the stigma associated with disability. They can play an important role in ensuring that the peer group as well as the community understand the challenges which the child is already facing and help him or her to overcome the difficulties and the barriers which otherwise may hamper the development of the child.
- Sensitise parents, families, and caregivers about the special needs of children with disabilities. Speak to parents in meetings as well as on a one-to-one basis. Actively involve parents of young children with disabilities as full team members in planning school and after school activities.
- Sensitise anganwadi workers and teachers about the special needs for disabled children and create awareness and sensitivity about their rights.
- Monitor schools and other service providing institutions to ensure that children with disabilities are not discriminated against and their special needs are addressed.



***PANCHAYAT REPRESENTATIVES
ARE VERY IMPORTANT PEOPLE!
CHILDREN ARE VERY IMPORTANT PEOPLE!***

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सत्यमेव जयते

Government of India
Ministry of Women and Child Development
A, Wing, Shastri Bhavan, New Delhi 110 001, India

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