



Child Issues

1 Sexual Abuse

Sexual abuse of children became a matter of public interest following publication of the report by the Ministry of Women and Child Development entitled 'Study on Child Abuse India 2007', which revealed that **more than 53% of children** in India have probably been sexually abused and many have never shared the fact of this abuse with anyone.

The sentencing of Alan Waters and Duncan Grant to six years' imprisonment by Supreme Court in 2011 for the sexual abuse of young boys (sodomy charges) who were in their care at the Anchorage orphanage in South Mumbai had also drawn the attention to the **need for stringent legislation and action against those who exploit children for sexual purposes**.

1.1 What is Child Sexual Abuse

According to the World Health Organisation, child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or that violates the laws or social taboos of society. Child abuse may be emotional, mental, physical or sexual and encompasses a much wider gamut of actions. Child sexual abuse is that which targets sexuality and/or sexual organs, involves sexual gestures, words, pictures, actions.

1.2 Child Sexual Abuse in India

While releasing the report on child abuse in India, the then Women and Child Development Minister said, "**Child abuse is shrouded in secrecy and there is a conspiracy of silence around the entire subject.**" This is only one of the many problems faced by those working in social development, legislation and justice, both in government and non-government bodies. The report for instance says, "One of the major problems in understanding the scope of the subject of 'child abuse' is that it is extremely difficult to get responses from children on such a sensitive subject". Some of the findings of the report are:

Children who have faced some amount of sexual abuse	53%
Children who report having been sexually assaulted	6%
Cases where the abuser was in a relationship of trust with the child	50%

The Constitution recognizes various crimes against children that are linked to their sexual abuse:

- Article 24 of the constitution
 - Children have a fundamental Right against exploitation

It is important to understand that sexual offences against children can and are committed in all the above situations – marriage, trafficking, employment -- and in many more. It is equally important to understand the kinds of social and legislative circumstances that allow for and may even be a reason for sexual abuse. Interactions with people in slums in urban centers for instance, reveals that many get their children married young to protect them from sexual abuse. Once a girl attains puberty she begins to be seen as ‘sexually available’. For some parents marriage is the only way to ensure that the girl is ‘unavailable’ to others for abuse.

1.3 Is the underlying reason Psychological or Sociological

A number of children go missing every year – some are sold by their families, some are kidnapped, others lured by the promise of a better life both for themselves and their kin. According to CRY (*Child Rights and You*)

- 8,945 children go missing in India every year
- 500,000 children are estimated to be forced into the sex trade every year
- Approximately 2 million child commercial sex workers are between the ages of 5 and 15 years
- Approximately 3.3 million child commercial sex workers are between 15 and 18 years
- Children constitute 40% of the total population of commercial sex workers
- 80% of these children are found in the five metros – Delhi, Mumbai, Kolkata, Chennai and Bangalore
- 71% of them are illiterate

It is thus apparent that a **network of deprivations and vulnerabilities – poverty, age, gender, caste, lack of safe spaces, lack of schools, lack of proper institutional care for children without functional families -- create situations where children are sexually exploited.** While **some psychologists** do argue that **violators are ‘psychopathic’ or ‘dysfunctional’** in various ways, it is important to identify and engage with the many ways in which children become **disempowered in our society so that they are seen as easy targets of sexual oppression.**

1.4 Is it due to Vulnerability or Oppression

As a society, it is important to recognize that the sexual exploitation of children is fundamentally about power.

Those who target children realize that they are less likely to speak about the incidents that even if they do few will believe them, that even if they are believed there may be little that community members will do about it, that even if some action is taken there are loopholes in court processes that can be availed of. In the **Anchorage orphanage** case for instance, despite several articulate lawyers and activists being involved in the entire process on behalf of the children who were abused, the Bombay High Court saw the children as ‘unreliable witnesses’.

1.5 Legislation to Protect Children from Sexual Abuse

The **Prevention of Children from Sexual Offences Act 2012 (POCSO)** was formulated in order to effectively address sexual abuse and sexual exploitation of children after several cases of child sexual abuse like the infamous pedophile case of ‘Anchorage orphanage’.

It lists responsibilities of various duty bearers to the child -- police officers, child support services, medical officer and case worker. It also lists the protocol to be followed by police and medical practitioners, as well as during court processes.

1. It acknowledges and engages with sexual crimes of all kinds -- real/virtual; penetrative/ non-penetrative; homosexual/ heterosexual/ bestial; verbal/ physical.
 - Pro: This is a major improvement on the earlier situation, when child sexual abuse was clubbed with sexual abuse of adults.
2. It is gender-inclusive, accepting that the perpetrators as well as the victims may be either male or female.

- Pro: It is otherwise commonly assumed that sexual abuse can only be initiated by a male upon a female child. The recent study by the Government of India indicates that boys possibly face more sexual abuse than girls.
3. It puts the onus of innocence on the accused
 4. It puts guidelines in place for major stakeholders in the process, in an attempt to ensure processes that are sensitive to the child but that also respect the right of the child to state her/his case/ experience.

Others Legal Provision in place to tackle the issue of Child Sexual Abuse are:

- The Immoral Traffic (Prevention) Act
 - that protects children below the age of 16 from being used for the purposes of commercial sex.
- The Juvenile Justice Act Section 26 (Exploitation of Juvenile or Child Employee)
 - provides for punishment if a person procures a juvenile for hazardous employment.
- The Prohibition of Child Marriage Act
 - makes punishable the practice of marrying girls under the age of 18 and boys under the age of 21
- National Commission for the Protection of Child Rights Act 2005

2 Child Labour

The International Labor Organization (ILO) defines **Child Labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.** It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, or work whose schedule interferes with their ability to attend regular school, or work that affects in any manner their ability to focus during school or experience a healthy childhood.

2.1 Reasons for High Propensity of Child Labour in India

There are many reasons for child labor. **But it is essentially a socio-economic problem inextricably linked to poverty and illiteracy.** Poverty is the biggest reason for child labor in India. The small income of child laborers is also absorbed by their families.

Absence of compulsory education (prior to RTE Act) at the primary level, parental ignorance regarding the bad effects of child labour, the lack of implementation of child labour laws and penalties, non-availability and non-accessibility of schools, boring and unpractical school curriculum and cheap child labour are some other factors which lead to child labor.

Businesses save money as child labour is cheap and kids can be easily exploited, taking advantage of their parents' poverty and helplessness. This further spurs the rise of child labour in the country. **So factories find loopholes and get round the law by declaring that the child laborer is a distant family member or is above 14 years of age.** The most inhuman form of child exploitation is the age-old practice of bonded labor in India. Here children are sold to the buyer like a commodity for a certain period of time.

2.2 Statistics and Child Labour

Child labor is a dagger through India's soul. India has the dubious distinction of being **home to the largest child labor force in the world**, with an **estimated 30 percent of the world's working kids** living here.

According to the **Census 2001 figures there are 1.26 crore working children in the age group of 5-14** as compared to the total child population of 25.2 crore. However, as per **Census 2011**, the number of working children in the age group of 5-14 years has further reduced to **43.53 lakh**.

2.3 Evolution of the Policy on Child Labour

The **National Policy for Children, 1974**, declared children to be a 'supreme national asset'. It pledged measures to secure and safeguard all their needs, declaring that this could be done by making wise use of available national resources. However pious may be the intent, this did not change the ground reality.

So way back in **1979**, the **Government formed the first committee called Gurupadswamy Committee to study the issue of child labour** and to suggest measures to tackle it. The Committee examined the problem in detail and made some far-reaching recommendations.

- It observed that as long as **poverty continued**, it would be difficult to totally eliminate child labor
- Hence, **any attempt to abolish it through legal recourse would not be a practical proposition**
- The Committee felt that in the circumstances, the only alternative left was to ban child labour in hazardous areas and to regulate and ameliorate the conditions of work in other areas
- It recommended that a **multiple policy approach was required** in dealing with the problems of working children

Based on the recommendations of Gurupadaswamy Committee, **the Child Labour (Prohibition & Regulation) Act was enacted in 1986**. The Act prohibits employment of children in certain specified hazardous occupations below the age of 14 years.

- The law does not protect children who perform domestic or unreported labor
- Through a recent notification, child domestic workers up to 14 years of age working in hotels and dhabas have been brought within the purview of the Act. It is one step towards the total elimination of child labour.

Later a **National Policy on Child Labour was formulated in 1987**. The Policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations & processes in the first instance.

National Child Labour Project (NCLP) for the rehabilitation of child labour. Under the scheme Special Schools/Rehabilitation Centres for the rehabilitation of child labourers are opened. These Centers provide non-formal education, vocational training, supplementary nutrition and stipend to children withdrawn from employment.

INDO-US Child Labour Project (INDUS): The Ministry of Labour, GoI and the US Department of Labour have initiated a project aimed at eliminating child labour in 10 hazardous sectors across 21 districts in five States.

2.4 Recent Initiatives by the Government

The Government is set to ban the all forms of child labour under the age of 14 years, **making the employment of children below 14 years a criminal offense**. The new NDA government is likely to introduce a key legislation that proposes a complete ban on child labour in all sectors. The legislation aims to amend the Child Labour (Prohibition and Regulation) Act **to bring it in tune with the Right To Education (RTE) Act**, which makes education compulsory for all children up to the age of 14.

- The proposal aims to ban all work for children under the age of 14 and
- Restrict non-hazardous work to adolescents between the age of 14 and 18
- Employing a child under 14 for any work -- hazardous or non-hazardous -- will be a cognizable offence punishable with imprisonment up to two years or a fine up to Rs 50,000 or both

3 Child Marriage

Child marriage in India, according to Indian laws is a *marriage* where either the woman is below age 18 or the man is below age 21. Child marriage has been widely prevalent practice in India for a long time however it has reduced in recent decades. This practice has its root in traditional, cultural and religious practises and sustained by poor economic condition. Poverty and dowry system is considered as two main reasons behind this practice.

3.1 Some Aspects

- Adolescence is a time of transition in the lives of young people, a stepping-stone from childhood into adulthood. However, with early marriage, this transition is lost for many young women in India and usually the decision to marry is made by the family.
- Early marriage is prevalent in all in almost every state.
- According to the National Population Policy, “over 50% of girls marry below the age of 18, resulting in a typical reproductive pattern of ‘too early, too frequent, too many’, resulting in a high IMR.
- The social movement against child marriage and the demand for state intervention to curb this malaise was first articulated in the 19th century and the engagement with this issue continues in the 21st century.
- It was outlawed by Indian law in 1929.
- Child marriage is also associated with other problems like dowry and child widowhood.

3.2 Why Girls are Married at an Early Age: Social Reasons

- The growing insecurity of girls
- Increasing violence against them,
- Adolescent pregnancy resulting from sexual ignorance and neglect,
- Increasing dropouts from post-primary schooling due to various reasons,
- Deep neglect of the physical and cultural development of girls,
- No provisions for games/sports, healthy entertainment and reading facilities.

3.3 Effects and Consequence

- Young married women in India often enter households that have clearly defined gender hierarchies and roles.
- Early marriage also places young women at risk for physical violence by their husbands.
- Combination of factors at the individual, family, and cultural levels promotes perpetration of physical violence against women
- The health consequences for women include maternal mortality, gynaecological infections, unwanted pregnancies, and depression.
- The social context of child marriage reduces a woman’s control of her reproduction in adulthood.
- It is also associated with malnutrition, poor health of mothers and high fertility and hence over-population
- Child marriage was significantly associated with high fertility, no contraceptive use before first childbirth, a repeat childbirth in less than 24 months, multiple unwanted pregnancies, pregnancy termination, and female sterilisation.

3.4 International Conventions

India has ratified various international conventions and treaties that obligate amendments in the legal framework in order to guarantee the rights of children and prevent child marriages.

- The Convention on the Rights of the Child (CRC) defines a child as a person below 18 years and identifies the rights of children.
- These international covenants and treaties enumerate various human rights standards for the protection of children, choice of relationship and the age at marriage, and inform the laws on child marriage in India.
- The Universal Declaration of Human Rights, states, “Marriage shall be entered into only with the free and full consent of the intending spouses.”
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), states: The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

3.5 Child Marriage Restraint Act

- The Child Marriage Restraint Act is also called the Sarda Act
- This Act defined a male child as 21 years or younger, a female child as 18 years or younger, and a minor as a child of either sex 18 years or younger.
- It was amended in 1940 and 1978 to continue raising the ages of male and female children

3.6 Child Marriage Act, 2006

According to this act Child marriage is a non-bailable and cognizable offence with two-year rigorous jail term or a fine of Rs. 1 lakh.

Persons, including parents or guardians or association of persons, who did any act to promote child marriage or permitted it to be solemnised or negligently failed to prevent it, would be imprisoned under Sections 9, 10 and 11 of the Act.

The duty of the Child Marriage Prohibition Officers was to counsel the residents of the locality not to indulge in promoting, helping, aiding or allowing child marriages, create awareness and sensitise the community to the ill-effects of child marriages.

The IPC fails to address the discrepancy in the age of consent at the time of rape and the age of consent for rape within a marriage, which constitutes discrimination against women – especially married women and has severe implications for child marriages in India.

3.7 Policies for Child Marriage

- The Government of India introduced several policy initiatives to address the problem of early marriages.
- The National Population Policy 2000 promotes delayed marriage for girls.
- The National Policy for the Empowerment of Women, 2001, recognises the critical need of men and women to suitably address the issues of early marriage and aims to eliminate child marriage by 2010.
- The National Youth Policy 2003 calls for sensitisation among adolescents with regard to the correct age for marriage.

3.8 Conditional Cash Transfer schemes

CCT addresses issues more towards the individual rather than the household, which is the focus of the government. Certain national schemes, is, related to maternity benefits and the survival and education of the girl child which addresses the problem of child marriage directly or indirectly.

Dhanalakshmi: The scheme provides for cash transfer to the family of a girl child on fulfilling certain conditionality relating to registration of birth, immunization, enrolment and retention in school till class VIII; and an insurance coverage **if the girl remains unmarried till the age of 18.**

Rajiv Gandhi Scheme for Empowerment of Adolescent Girls/Sabla: It has been launched as a comprehensive intervention for adolescent girls in the age-group of 11-18, with a focus on out of school girls. The scheme is aimed at empowerment of Adolescent girls. **The adolescent girls aged 10–19 years constitute almost 47 per cent of the total population of adolescents in India. Most of the women marry before the legal age of 18.** It addresses the problems of dropout rate of females, female literacy rate, girls married before the age of 18 and female work participation

Indira Gandhi Matritva Sahyog Yojana: The scheme covers all pregnant and lactating women 19 years of age and above for first two live births are entitled for benefits under the scheme except all Government/PSUs.

3.9 What Needs to be Done

The Prohibition of Child Marriage Act, 2006 has now given the child bride and bridegroom the right to get their marriage declared void. But the following amendments have to be made.

- The right to maintenance of the girl in such a case is protected until she remarries.
- Punishment to persons facilitating and solemnising such marriages has been enhanced.
- The 205th report of the Law Commission recommended that child marriage below the age of 16 be made void.
- The provision of maintenance of the girl till her remarriage be continued and the children should be deemed legitimate.
- The legal age for a girl to give sexual consent is raised to 16 years.
- Registration of all marriages is made mandatory.
- But alongside the legal measures, investment in communitybased programmes and a service is essential.
- It is the parents of the girls, community elders and religious authority figures who need to be convinced of the risks of child marriages and the advantages of educating the girl child while delaying the age of marriage.

4 Juvenile Delinquency in India

Juvenile delinquency, as a legal concept is of recent origin. Juvenile delinquency is an integral part of criminology. The two cannot be separated since one of the reasons for crime and its continuance into adult life is the ineffective control and treatment of juveniles.

In recent years, it has become very clear that juvenile delinquency is the most important aspect of the subject matter of criminology. These years have also seen an urge for an objective appraisal of the problem and the development of the new techniques. Delinquent behaviour has assumed serious forms among the juveniles, which is a sign of sick society.

4.1 Who is a Juvenile, according to the Indian Law

A juvenile in conflict with law under the Juvenile Justice (Care and Protection of Children) Act, 2000, is a juvenile who is alleged to have committed an offence and has not completed 18 years of age as on the date of commission of such offence.

- They are handled by **Juvenile Justice Boards (JJB)**, or juvenile courts, which are supposed to provide care and guidance to the juvenile offenders during their hearing and detention
- The emphasis of juvenile detention is not supposed to be on punishment but on rehabilitation
- The **age was raised from 16 to 18 in India in 2000** as part of its obligation under the **United Nations Convention on the Rights of the Child (UNCRC)**, which India signed in 1992
- It also conforms to the UN Standard Minimum Rules for the Administration of Juvenile Justice (**The Beijing Rules**) 1985

4.2 Is the Juvenile Law lenient? *Two sides of the Debate*

- According to the JJ (C & P) Act, 2000, there is no punishment for a juvenile in conflict with law. However, the juvenile can be sent to a reformation home for a maximum period of 3 years.
- In the gruesome 16th December 2012 Delhi gang Rape case (viz. Nirbhaya Case), the main accused was a Juvenile. He got the maximum 'sentence' of 3 years in a reformation home.
 - **This has raised questions** about whether the law, in all its sanctity and rationality, is good enough to handle such cases or does it need an overhauling with far stringent punishments than are presently accorded to the accused.
- Supreme Court senior lawyer K.T.S. Tulsi believes that **crime syndicates are taking advantage of the juvenile age and increasingly involving younger boys in heinous crimes and keeping them in the forefront**, knowing fully well that they cannot be punished.
 - There were calls from some quarters in India to reduce the upper age limit for juveniles to the previous 16 years
- However child rights activists said that changing this section of the law in response to a public outcry over a single case would be a regressive step.
- The ensuing **Justice JS Verma Committee** was asked to look at the issue in its report recommending how to crack down on sexual assault and harassment and ensure victims get speedy justice.
 - It said that the juvenile age bracket should be maintained to comply with the UN Convention
- The **Supreme Court, in July 2013, had refused to interfere in the Juvenile Justice Act and said that there was no need to reduce the age from 18 to 16**
- The **Justice Verma Committee** also recommended in its report that **all juvenile homes be placed under the legal guardianship of the High Court** and a panel of judges appointed to carry out **spot inspections of the facilities** to ensure children there are safe and well.
 - It said that it was the duty of the state to provide free education up to undergraduate level for all children in conflict with the law
- But a subsequent petition by **Subramanian Swamy**, asked judges **to consider the mental and intellectual maturity of the defendant instead of his or her age** in cases where a young person is accused of involvement in a **particularly serious crime**

The SC decided on March 28, 2014, in *Dr. Subramanian Swamy and others v. Raju and others*, refused to read down the provisions of the JJ Act, 2000, in order to account for the mental and intellectual competence of a juvenile offender and refused to interfere with the age of a juvenile accused, in cases where juveniles were found guilty of heinous crimes.

- It was held by the Court that **the provisions of the Act are in compliance with Constitutional Directives and International Conventions**
- The Supreme Court further stated that **the classification of juveniles as a special class stood the test of Article 14 of the Constitution**, and
- **The Court should restrict itself to the legitimacy and not certainty of the law.**

4.3 Reasoning given by Sociologists

Sociologist Ashis Nandy says that if the child does not have access to proper counseling in a reform home, it is not the child's fault. According to him, **most of the juveniles, involved in crimes, are the ones who have been victims themselves.** "They are not born psychopaths. There are laws to protect them from child labour, why aren't they implemented? **These children and youth are reformable,**" he says, adding that public outcry cannot decide which case should be treated as an exception. **The law has to be followed.**

4.4 Reasoning given by the Advocates of the need for Lowering of Age

- From 465 cases of murder registered against minors in 2003, the figure grew to 1,007 in 2013, a 116.6% jump, the National Crime Records Bureau data show
- In 2013, 1,884 juveniles were accused of rape against 466 in 2003, a massive rise of 304.3%. Cases of kidnap, robbery and auto theft, too, have recorded a big rise

4.4.1 Case Study of US and UK

- **US is one of the two countries - the other being South Sudan -which is not a signatory to the UN Convention on Rights of the Child.**
- **Though UK is a signatory, it has kept heinous crimes like rape and murder out of the ambit of its Youth Justice System**

4.5 Recent Observation of the Supreme Court

The SC in July 2014 questioned the **blanket immunity enjoyed by underage offenders guilty of serious crimes such as rape and murder** and asked the government to consider reviewing the law.

The **court's suggestion for a relook at the juvenile justice act** came a day after **women and child development minister Maneka Gandhi favoured treating underage accused of 'heinous crimes' on par with adults.** Government data show involvement of juveniles — aged between 16 and 18 — in serious crime has risen by 65% in the last one decade.

"You can't have a cut-off date for crime" like you have for government jobs, the court said. "Go by how the neurons are growing," a bench of justice Dipak Misra and justice V Gopal Gowda said.

Having twice dismissed petitions for lowering the age bar, the Supreme Court reopened the debate over the contentious JJ act seen as lenient by many.

4.6 Recent Initiatives and the Need for a Comprehensive Law

The JJ Act, 2000 has been amended twice: in 2006 and in 2011. More demands to amend the Act have been in the reckoning.

- Besides crimes committed by juveniles, violence against them is also emerging as an important issue which needs to be redressed by strengthening the existing provisions
- Protracted inter-country adoption procedures in the existing JJ Act 2000 need urgent legislative resolution. While personal laws allow specific communities to adopt, other persons can become guardians only under an *archaic Guardians and Wards Act, 1890*. **A secular gender-neutral adoption law for all people is required**

In this backdrop, the Government of India is now contemplating re-enacting a new JJ Act, 2014. The JJ Bill, 2014, seeks to enact a law by consolidating and amending the law relating to children who are in need of care and protection. It seeks to cater to their developmental needs through proper care, protection and treatment by adopting a child-friendly approach in the adjudication and disposal of matters, and for rehabilitation through processes provided and institutions established under the proposed new enactment.

4.7 The 'Flip Side' of The Draft JJ Bill 2014

The draft JJ Bill 2014 which will replace the JJ Act 2000

- **incorporates a US-style Transfer Provision for juveniles between 16 and 18**. This is how the transfer mechanism is envisaged to work:
 - if the charges against a juvenile between 16 and 18 include heinous offences such as rape and murder, the JJB is required to conduct an inquiry within a month to determine whether the case should be transferred to a court dealing with adult accused persons
 - The JJB's decision will be based on rather *widely-worded criteria* such as *"the culpability of the child in committing such offence and the child's ability to understand the consequences of the offence"*.
 - The only concession made by the draft Bill to reformative justice is **that the court to which the case may be transferred is barred from sentencing the juvenile "to death or for life imprisonment without the possibility of release"**.

In this it is noteworthy that

- The latest NCRB report says that **juveniles alleged to be involved in rape constituted a mere 4.1% of all persons arrested for that offence in 2013**
- In their joint submission to the government earlier in August 2014, two premier research bodies from Bangalore, National Law School of India University (NLSIU) and National Institute of Mental Health and Neuro Sciences (NIMHANS)
 - **pointed to the failure of the Transfer System in the US**
 - They exposed the **flaw in the premise that the JJB would be able to determine the maturity of the juvenile as there were no diagnostic tools to make such an evaluation** on an individual basis

Thus the debate in India over how to handle the Juvenile Delinquency is far from settled. If the diametrically opposite stance of both the Judiciary as well as the Government with time is any indicator then it would not be farfetched to conclude that both these wings are not enough convinced about which side of the debate they are should place themselves.

5 Bachpan Bachao Andolan (BBA)

India's best known face against child labour, **Kailash Satyarthi** shares the 2014 Nobel Peace Prize with Pakistani child rights activist Malala. He and his organisation, **Bachpan Bachao Andolan (BBA) — the Save Childhood Movement**, have single-handedly brought to centre-stage the debate on child rights in India.

Kailash Satyarthi has been a persistent campaigner worldwide on social issues involving children. He has highlighted **child labour as a human rights issue as well as a welfare matter and charitable cause**. He has argued that **it perpetuates poverty, unemployment, illiteracy, population growth and other social problems**.

5.1 Evolution of BBA

Bachpan Bachao Andolan was founded in 1980 by Kailash Satyarthi. When Satyarthi started out with a small group of like-minded individuals, the issue of child labour was unacknowledged by Indian legislation, in public discourse and by the media. Though, while eradicating child labour remains one of the biggest challenges for India, BBA has been successful in changing the fate of over 82 000 children rescued from exploitation, **in achieving important anti-child labour and anti-trafficking laws, and in raising awareness among the public**.

In 1993, BBA initiated the first campaign in form of a march against child labour. The 2000 km Bihar-Delhi march raised awareness on the issue of child labour in the carpet industry.

The development of the **model of *Bal Mitra Gram (Child Friendly Villages)* in 2001** is also an example for **BBA's innovative approach**. The implementation of the model into villages leads to the prevention and elimination of child labour in the long-run, among others through mechanisms such as the **creation of an elected children's assembly and its linkage with the village council**, the enrollment of all children in school and community actions for change. Another on-going campaign, *Mukti Caravan*, has been launched in 2006. It is a "campaign on wheels" by former child labourers, trained in folks art and street theater. Since BBA has send off the first Mukti Caravan, the activists have visited many villages, where they have created a better understanding of the need for education and the evil of trafficking and child labour.

5.2 Vision of BBA

Beginning its operation in 1980, a mass movement was ignited **to create a child friendly society where all children are free from exclusion and exploitation and receive free education of good quality**.

The movement engaged itself in **identifying, liberating, rehabilitating and educating children in servitude through direct intervention, community participation, partnerships and coalitions, promoting ethics in trade, unionizing workers, running campaigns (on issues, such as education, trafficking, forced labour, decent work, building child friendly villages) and mobilizing the masses** on a common action.

5.3 Outcome of the Efforts of BBA

Mr. Satyarthi and the BBA have so far freed 82,000 children from servitude, including bonded labourers, and helped in their successful re-integration, rehabilitation and education.

Officially there are only about 50 lakh child workers in India, but unofficial estimates claim the actual figure to be ten times as much.

The continuous efforts of BBA have triggered **the adoption of Anti-Child Labour and Anti-Trafficking Laws**. Important milestones have been the

- **1986 Enactment of Child Labour (Prohibition and Regulation) Act by the Parliament** and
- **The 1999 ILO Convention 182 on the elimination of the worst forms of child labour**.
 - It was adopted following the **Global March Against Child Labour**. This is the largest civil society initiative in the world against child labour which has culminated in Geneva and played a large role through its members and partners in the adoption of the convention.

- He also played an important role in the **movement for Right to Education** law for free compulsory education to children.
- He is also credited with establishing **Rugmark**, now known as **Good Weave**, in 1994. It is a kind of **social certification** for child labour free carpets in South Asia.

In 2009:

- Landmark judgement by High Court of Delhi laid down roles and responsibilities of govt. departments like police, labour etc. for comprehensive legal action against child labour
- The SC forms the **All India Legal Aid Cell on Child Rights** under the aegis of NALSA in BBA's office.

In 2011:

- Supreme Court prohibits child labour in circuses
- Landmark judgment of Delhi HC specifying Standard Operating Procedure on issue of missing children.
- First ever comprehensive research on missing children in India launched.

In 2012:

- Supreme Court upheld the constitutional validity of the constitutional amendment that resulted in formulation of the Right to Education Act, 2009.

5.4 Strategy of BBA

The BBA tried to meet its objective through a 3 layer strategy viz prevention, protection and rehabilitation.

- **Prevention:** is encouraged through community intervention. Public awareness campaigns
 - E.g. the model of **Bal Mitra Gram (Child Friendly Villages)**
- **Protection:** where possible, the legislative provisions are used to restrain and eliminate the practices of child labour and trafficking, and campaigns for tightening and developing the legislation are pursued.
 - E.g. Child Labour (Prohibition & Regulation) Act, 1986
 - In April 2011, BBA filed a writ petition, which led the **Supreme Court to adopt BBA's definition of trafficking**. The petition also triggered the **ratification of the United Nations Convention against Transnational Organized Crime (UNTOC)** and its three protocols in 2011.
- **Rehabilitation:** BBA works to ensure access to rehabilitation services including statutory benefits. For this purpose, BBA also operates its own rehabilitation centers.
 - E.g. **Statutory rehabilitation, Multi Ashrams, Bal Ashram**
- **Research:** BBA has initiated the first comprehensive research on missing children and its linkages with trafficking, titled **'Missing Children of India'**, finding that every hour, eight children go missing. BBA has also engaged in research revealing the economic costs of child labour for India. The study **'Capital Corruption'** found that child labour resulted in a black money pool of Rs. 120,000 crores, which is a huge loss to the Indian economy.

5.5 Recent Campaigns

- **Child Labour Free India Campaign:**
 - For an amendment in Child Labour (Prohibition & Regulation) Act, 1986 for total abolition on child labour till the age of 14 yrs., in line with ILO Convention 138. It resulted in the Government of India announcing a proposed amendment to the Child Labour Act 1986, accepting BBA's demand for a total ban on child labour till the age of 14 years and a ban and prohibition on the employment of children in hazardous applications and processes till the age of 18 years.

- **Missing Children Campaign:**
 - The biggest ever research undertaken on missing children, resulting in the Supreme Court issuing notice to all states and union territories on missing children.

5.6 Still a Long way to go

Kailash Satyarthi believes that

- There was **no mechanism in the country to manage rehabilitation** of children rescued from child labour or sold into prostitution.
- “There is a **huge gap between the identification and rescue of the child.**
- Then there is a **gap between rescue and repatriation to parents.**
- After that, there is a **gap between repatriation and any rehabilitation package** given to the child as compensation,” Satyarthi said.
- He said there was a **serious need to fix responsibility and accountability of the local police and the administration when children “went missing”** or were kidnapped and trafficked.

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