

ISSN: 2582 - 2942



LEX FORTI

LEGAL JOURNAL

VOL- I ISSUE- III

APRIL 2020

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of LexForti Legal Journal. The Editorial Team of LexForti Legal Journal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of LexForti. Though all efforts are made to ensure the accuracy and correctness of the information published, LexForti shall not be responsible for any errors caused due to oversight otherwise.



ISSN: 2582 - 2942

EDITORIAL BOARD

EDITOR IN CHIEF

ROHIT PRADHAN

ADVOCATE PRIME DISPUTE

PHONE - +91-8757182705

EMAIL - LEX.FORTII@GMAIL.COM

EDITOR IN CHIEF

MS.SRIDHRUTI CHITRAPU

MEMBER || CHARTED INSTITUTE
OF ARBITRATORS

PHONE - +91-8500832102

EDITOR

NAGESHWAR RAO

PROFESSOR (BANKING LAW) EXP. 8+ YEARS; 11+ YEARS WORK EXP. AT ICAI; 28+ YEARS WORK EXPERIENCE IN BANKING SECTOR; CONTENT WRITER FOR BUSINESS TIMES AND ECONOMIC TIMES; EDITED 50+ BOOKS ON MANAGEMENT, ECONOMICS AND BANKING;

EDITOR

DR. RAJANIKANTH M

ASSISTANT PROFESSOR (SYMBIOSIS INTERNATIONAL UNIVERSITY) - MARKETING MANAGEMENT

ISSN: 2582 - 2942

EDITORIAL BOARD

EDITOR

NILIMA PANDA

B.SC LLB., LLM (NLSIU) (SPECIALIZATION BUSINESS LAW)

EDITOR

DR. PRIYANKA R. MOHOD

LLB., LLM (SPECIALIZATION CONSTITUTIONAL AND
ADMINISTRATIVE LAW)., NET (TWICE) AND SET (MAH.)

EDITOR

MS.NANDITA REDDY

ADVOCATE PRIME DISPUTE

EDITOR

MS. P SAI SRADDHA SAMANVITHA

STUDENT EDITOR

ABOUT US

LexForti is a free open access peer-reviewed journal, which gives insight upon broad and dynamic legal issues. The very objective of the LexForti is to provide open and free access to knowledge to everyone. LexForti is highly committed to helping law students to get their research articles published and an avenue to the aspiring students, teachers and scholars to make a contribution in the legal sphere. LexForti revolves around the firmament of legal issues; consisting of corporate law, family law, contract law, taxation, alternative dispute resolution, IP Laws, Criminal Laws and various other Civil issues.



Child Oppression A Myth or Reality in Kerala

Ruban Joe Toniyo

TABLE OF CONTENTS

SL.NO	
1	ABSTRACT
2	INTRODUCTION
3	THE RELEVANCE OF STUDY
4	LEGAL OBLIGATION
5	OBJECTIVES
6	HYPOTHESIS
7	METHODOLOGY
8	TECHNIQUES OF ANALYSIS
9	PERIOD OF STUDY
10	DISCUSSIONS AND ANALYSIS
11	HYPOTHESIS 2
12	CONSTRAINTS
13	OUTCOME OF THE STUDY
14	RECOMMENDATIONS
15	CONCLUSIONS

ABSTRACT

Child oppression has been a subject that is haunting Kerala in ancient era as well as the modern era. The condition of children in Kerala doesn't improve but it is still under hardship. The one thing that does make the change is the type of oppression that the children facing. In the earlier period of Kerala history it was more of child labour but now the oppression has new face and it takes place in different category. Although Kerala is number one in the literacy rate in India the oppression against the children doesn't came down it is increasing day by day. Over the past two three years the child oppression has been increased in the state. Child oppression is unjust exercise of power over children. As the country is growing the information on the availability is also growing on a large scale. It is cruel some cases were alarming cannot be imagined in a country like India. In this paper the researcher tries to find out the reasons behind the child oppression also the researcher tries to unveil the pathetic case of punishment for child oppression. There is no relation between the reporting child oppression cases and the rate of punishment given. Add on the researcher tries to point out some suggestions and recommendations to improve the situation.

KEYWORDS: child oppression, Kerala, rate of punishment

CHILD OPPRESSION A MYTH OR REALITY IN KERALA

From the ancient period itself child protection has been commonly considered to be a matter of concern to professionals in specialized social service, health, mental health, and justice systems. India home largest child population in the world with almost 41% of total population under 18 years of age. But the condition of children in India has not improved much even now after independence. The health and security have been major area of concern. In Juvenile justice Act of India there two categories one is that child in conflict with law the other is children who need care and protection. CHILD LINE is the institution which works for the care and protection of children. Oppression is also defined as “the unjust exercise of authority”. The child oppression is the unjust exercise of the power over the children. ¹There are four types of oppression they are: Personal: Values, Beliefs, And Feelings Interpersonal: Actions, Behaviours, Language. Institutional: Rules, Policies, and Procedures Cultural: Beauty, Truth, and Right. The reason for choosing the terms myth and reality is that in Kerala people still don't believe that there is a state of child oppression present. They believe that it is a mythical concept and it is present merely in the form of child labour unless the person is into the subject of child oppression. So this paper tries to unveil the reality of child oppression in Kerala.

RELEVANCE OF STUDY

In this paper the researcher tries to understand why there is a steady increase in child oppression cases in past years. Also tries to analyse what are the reasons and causes for such oppressions. The researcher tries to give some recommendations and suggestions towards the end. Although Kerala is one the progressive state in India the child oppression in terms of child labour has been brought down and number of school going children increased. According to census of India child labour in Kerala reduced considerably. Census figures show that there were 1.11 lakh child labourers in Kerala in 1971, 92,854 in 1981, 34,800 in 1991 and 26,156 in 2001. A State government survey in 1996 concluded that there were only 10,067 child labourers². But as the researcher clearly points out the oppression is of three types although the child labour has been brought down the other kind of oppressions to children in Kerala are increasing day by day. Before going into the other problems the child labour in Kerala is reduced but the children from other state is brought down to Kerala for work and they are working for daily wages to earn

¹ Child line foundation India, <https://www.childlineindia.org/>

² National Census of India 2011

lively hood this factor must be consider the employers in Kerala also promote his because they have to pay comparatively less amount to this children.

According to Labour Commissioner of the State, children below the age of 14 are still employed as domestics and in dhabas, restaurants, hotels, motels, teashops, resorts and recreational centres³. Raids conducted by the Labour Department since the amendment to the 1986 Act came into force on October 10 have indicated that the case of boys and girls engaged in domestic work is especially rampant and well established through a network of agents in the Muslim-dominated northern districts.

In south Kerala, migrant businessmen from neighbouring States bring with them children "of relatives" to work 12 to 18 hours in restaurants or as attendants in provision shops⁴. About 5,000 such children from Tamil Nadu, Andhra Pradesh and Karnataka have returned home in the first two weeks after the raids began in the southern districts. Only 22 children were "rescued" by the Department, mostly in Thiruvananthapuram, and were sent home to their parents.

Traders who descend on tourist centres such as Kovalam from Kashmir, Andhra Pradesh and Karnataka similarly bring groups of children to work for them in massage parlours and in handicraft and petty trades during the peak tourist season. They invariably refer to the children as "relatives" but most of them are "physically, mentally and sexually exploited". In an inquiry conducted in early October, the Department identified 300 such children in the tourist resort of Kovalam.

Now the other form child oppression are increasing in Kerala other than child labour this has been evident in this research. The three-year-old boy was admitted to a private hospital in Aluva after he was found grievously injured following alleged parental torture⁵. This was the latest case happened in Kerala were child died due to parental torture. The other issues such as rape by relatives, father or mothers friend etc. have been reported in Kerala.

The other reasons are child abuse which is strictly prohibited under pocso act, 2012 but here also the problem is that if child's father or any relative abuse the child who will go for the case. Here

³ FRONTLINE Magazine, Volume 23 - Issue 22: Nov. 04-17, (2010).

⁴ Laxmi Prasana, Kerala: 142 child labourers rescued since January 2018, Times of India, (June 12 2019,15:06pm), <https://timesofindia.indiatimes.com/city/kochi/142-child-labourers-rescued-since-jan-2018/articleshow/69747402.cms>

⁵ Neethu Joseph, 3 year old boy in ICU after he had been allegedly harassed., The News Minute, (April 18 2019, 13:47 pm), <https://www.thenewsminute.com/article/3-year-old-kerala-boy-icu-after-he-was-allegedly-assaulted-parents-questioned-100266>

the child has no say in any matter affecting him or her. The child must act accordingly what parents say they are forced to do so. During the researcher's internship the writer came across an issue where the children have been always beaten up by parents and issue has been reported by the neighbours and child line took up the issue and children complained the same to the child line officials on minutes before hearing in front of child welfare committee (CWC). The mother is torturing the child to change his statement and blackmailing the small child if he say anything against his father. Father will be arrested and she won't allow the child to enter their house the six year old child of course will become afraid and change his statement this is how the system works.

Also there is another incident in support of this were in the case of sexual abuse to a 15 year old girl child. At initial stage the parents and child line officials initiated the case but later when the girl child become pregnant the parents go back from the initial status as they were afraid of their social status and other troubles and forces her to withdraw the case and negotiated with the accused agrees to marry her. This is the main issue faced by every child where they cannot move forward legally with the issues because they cannot take decisions independently they still depends on their parents they are being forced by parents. The children in most of the cases doesn't have money to move the issue legally. If the offender is also a relative then parents feel bad in taking actions against them. Here also the victim the child's right have been violated.

The other issue behind the child oppression are the rising gap of income inequality gap whereby children from families with higher income have access to good education, health and other facilities were on the other hand the poor children are forced to work to earn daily because of their parental pressure to work rather than studying

.They work because they are forced to do so and earn for surviving. Statistics cannot be any more shocking than this. As many as 24 cases of child sexual abuse were registered in the state on one day and that translates to almost two cases in one hour⁶. The data accessed by researcher from State Police Chief Loknath Behera's office is a pointer to the grim state of affairs vis-a-vis children's safety. Up to May 17, around 800 child abuse cases were registered under Protection of Children from Sexual Offences (POCSO) Act in the state. Of this, 288 were reported in the last 45 days. Last year, 2,697 POCSO cases were recorded across Kerala. If it continues, the number of POCSO cases is all likely to surpass last year's tally. In the past

⁶ KP Saikiran, Spectre of abuse looms over 11.72 lakh families in Kerala, shows survey, 18 Am, Times of India. (April 12, 2019), <https://timesofindia.indiatimes.com/city/thiruvananthapuram/spectre-of-abuse-looms-over-11-72-lakh-families-in-kerala-shows-survey/articleshow/68932041.cms>

one-and-a-half months, 49 POCSO cases were reported from Malappuram, which is the highest. Thiruvananthapuram logged 36 during the period and Kozhikode third with 32.

The number of abuses against boys were rising sharply in the district of malappuram this is mainly because of there is a sodomy racket and drug mafia as reported by the Hindu newspaper. The child line officials are even afraid that there is a high chance that the boys may again turn up to the sodomy racket as they are getting money and some are addicted to drugs supplied by them.⁷

The survey undertaken by Kerala anganwadi workers as part of their annual door to door survey about families in the state found that maximum number of vulnerable families are in the capital Thiruvananthapuram. The survey also found that there 34,654 families where children have step parents and 94,685 families in which parents are alcoholics. The most common incidents of cruelty of children were reported from families in which parents are alcoholics or kids leaving with the step parents

LEGAL OBLIGATION

The state has associate obligation to make sure that basic services are extended to any or all children and extend care and protection to children in difficult circumstances. India is a signatory of many international conventions and treaties associated with children, the govt. has the mandate to shield the rights of children. Consequently, the Indian Constitution safeguards the rights of children by providing fundamental Rights and Directive Principles to handle the assorted desires of children. Furthermore the govt. enacted numerous acts to shield children like juvenile justice act, POCSO etc. world Hunger Index Results – international, Regional and National Trends (2018): Food and Agriculture Organization, IFAD, UN agency and WFP World Health Organization. The international organisation Convention on the Rights of the kid (commonly abbreviated because the CRC or UNCRC) may be a human rights pact that sets out the civil, political, economic, social, health and cultural rights of kids. Asian country formalize this Convention and are absolute to it by law of nations. Asian country legal this Convention within the year 1992.

⁷ The anganwadi workers annual survey, MINISTRY OF CHILDREN AND YOUTH, 2018 – 2019

FUNDAMENTAL RIGHTS

Article 14: The state shall not deny to a person equality before the law or the equal protection of laws within the territory of India

Article 21: nobody shall be bereft of his life or personal liberty except per procedure established by law

Article 23: Traffic in {human beings | citizenry | folks | kinsfolk | kinsmen | kith and kin | masses | men | mortals | people at large | people in general | persons | groups of people | individuals | personalities} and beggary and alternative sorts of forced labour are prohibited and any resistance of this provision shall be an offence punishable in accordance with the law

Article 15: The state shall not discriminate against any citizen. Nothing in this Article shall prevent the state from making any special provisions for women and children

Article 21A: The state shall offer free and required education to any or all children of the age of 6-14 years in such manner because the state could, by law, determine

Article 24: No child below the age of fourteen years shall be used to figure in any industrial plant or mine or engaged in the other venturesome employment. The Constitution (86th Amendment) Act was notified on thirteenth Gregorian calendar month 2002, creating free and required education a basic Right for all children within the age bracket of 6-14 years

DIRECTIVE PRINCIPLES

Article 39(e) and (f): Provides that the state shall direct its policy towards securing to “ensure that the health and strength of staff, men and girls and also the tender age of kids don't seem to be abused” and “that the voters don't seem to be forced by economic necessity to enter avocations ill-sorted to their age or strength which voters don't seem to be forced by economic necessity to enter avocations ill-sorted to their age or strength”

Article 45: The state shall endeavour to provide early childhood care and education for all children till they complete the age of fourteen years

Article 39(f): The State shall direct its policy towards securing “the children are given opportunities and facilities to develop in a very healthy manner and in conditions of freedom and

dignity which the childhood and youth are protected against exploitation and against ethical and material abandonment”

Article 47: The state shall regard the raising of the level of nutrition and also the normal of living of its individuals and also the improvement of public health among its primary duties. Article 243G: read with Schedule eleven provides for institutionalization of child care by seeking to entrust programs of women and child Development to Panchayat (Item twenty five of Schedule 11), with the exception of education (item 17), family welfare (item 25), health and sanitation (item 23) and alternative things with an impact on the welfare of children. The other acts enforced for the protection of children are juvenile justice act 2015 and POCSO 2012. The juvenile justice act will be classified into 2. One is for the protection of children and alternative half is for the kids in conflict of law. The JJ act was amended once nirbhaya rape case. it's replaced the Indian delinquency law and allowed for juveniles in conflict with the law within the cohort of 16–18, concerned in wicked offences, to be tried as adults. The protection half deals with children World Health Organization or orphans or any children World Health Organization desires support for survival. These children are wrongfully protected by the state they need special juvenile homes and that they get same facilities education like every alternative children with government fund. The research worker in person visits one in every of such juvenile home. the opposite half during which deals with the kid in conflict of law were children World Health Organization have done offences and their trials, punishments, special police unit, training of cops etc.

Now returning to the Protection {of children of youngsters of kids} from Sexual Offences Act (POCSO) act 2012 that deals with the goal to shield children against offense like sexual abuse, molestation and pornography. The POCSO Act additionally provides for the institution of special courts for trial of such offences. It came at a time once no specific law in India addressed sexual offences against youngsters effectively, particularly boys. There have been increasing instances of crime against children and maltreatment cases were being reported. The POCSO Act may be a comprehensive approach to handle all the sexual offences against children associated makes it necessary for all people to report any case of offence against a baby whether or not he or she has any data that an offence has been committed or is probably going to be committed against a baby.

Although we've additional government policies and law for defence of children however still the offences are increasing the speed of penalization is a smaller amount as a result of additional and additional cases are compromised as a result of altogether those

cases parents like to not select cases owing to worry of losing reputation, loss of money and time, considering future of child, etc. of these factors can acquire image thus parents like to not select case thus it'll be either compromised or not reported. The research worker in person observes 2 such POCSO cases that are compromised and one case during which mother forces the

Child and threatens the child to not say against father. The other problem arise were cases handled by child line when this come to court for trial it is easily slipped away because of lack of money to appoint a good advocate. These are the reasons behind increase in child oppression and rate of punishment is less.

OBJECTIVES

1. To study about POCSO Act and Juvenile Justice Act.
2. To study about child oppression and sexual harassment cases in Kerala.
3. To study various proceedings followed for reported child oppression cases.
4. To study the reasons behind the child oppression.
5. To study the rate of punishment and rate of child oppression reported.
6. To make suggestions and recommendations based on study.

HYPOTHESES

The following are the major hypothesis framed for the purpose of the study –

1. There were significant degree of punishment with respect of child oppression cases.
2. There is no significant relation between child oppression cases and punishment.

METHODOLOGY

The researcher attended an internship programme at the nodal office in Kottayam district CHILD LINE KOTTAYAM. This study is explanatory in nature based on primary data. As per records of CHILD LINE KOTTAYAM there were 1457 cases were reported 2015 – 2107 period out of those cases 22 cases were selected random.

The first three days the researcher personally studies the Juvenile Justice Act and POCSO Act. Fin out the major areas where cases of child oppression and harassment.

The very next day there were reported to child line kottayam and such cases are attended by the researcher along with permanent staff. The researcher got ample opportunity to collect the relevant data.

The child line officer explained all the relevant matters with respect the child harassment cases attend the children personally collect the evidence and file the petition and send it to the child welfare committee or juvenile according to the nature of cases and finally attend the trial.

The study is explanatory in nature based on what primary and secondary data. The primary data were collected from the sample respondents on the basis of an interview schedule. As a first stage of sampling the researcher undergone an internship programme at child line foundation India and select kottayam as sample district. As a second stage the total number of pocso cases in the reported in the district were found out. . the researcher personally visit each respondent with the help of interview schedule relevant data were collected on the basis of sharing of experience with the victim and child line officers the appropriate number of variables were identified by using these variables an interview schedule is prepared and relevant data's were collected. There were 22 respondents were selected from sample district for the purpose of the study.

TECHINQUE OF ANALYSIS

The data collected by using an interview schedule. The interview schedule consisting of multiple choice question on a three point rating scale technique. The collected data were analysed on a three point rating scale technique. Data collected were analysed with the help of three point rating scale ranges from three to one. Three – high, 2 – average, 1 – low. The number of respondents opinioned high were given rate three, average with two and low with one. This weightage is multiplied with respondents who opinioned in this three magnitude. Finally the three overall score were find out.

Overall score = obtained score / maximum score * 100

Were Maximum score = 22 * 3 = 66

For example in case of financial problem the score is 57 and maximum score is 66 the overall score = $57/66 * 100 = 86.36\%$

This overall score is compared with standard score given below –

Above 80 – High

51 – 79 - Average

Below 50 – Low

These average scores are as directed by the researcher.

PERIOD OF STUDY

The study were conducted during October and November 2018

DISCUSSION AND ANALYSIS

The relevant data were collected upon 30 variables. The following major variables were identified for the purpose of study-

1. Do you think that step parenting is a reason for child oppression?
2. Do you think that lack of education of parents is a severe reason for child oppression?
3. Do you think that typical family background and financial problem is a reason for child oppression?
4. Do you think that drunken nature of the parents lead to child oppression?
5. Do you think that absence of good child care results in child oppression?
6. Do you think that neighbours attitude plays a key role in child oppression?
7. Do you think that criminal background of parents results in child oppression?
8. Do you think that joint family set up results in child oppression?
9. Do you think that helpless nature of mother or father centred family leads to child oppression?
10. Do you think that immoral relationship of mother leads to child oppression?
11. Do you think that parents and family member's greed for money leads to child oppression?
12. Do you think that physical and mental disability of children lead to child oppression?
13. Do you think that false reputation leads to child oppression?
14. Do you think that the superstitious beliefs of parents leads to child oppression?
15. Do you think that cinema and other media have impact on child oppression?
16. Do you think that colour and shape children leads to child oppression?

17. Do you think that new life style leads to early maturity which leads to child oppression?
18. Do you think that mental disorder of parents leads to child oppression?
19. Do you think that competitive attitude of parents lead to child oppression?
20. Do you think that stringent and compulsory attitude of parent's leads to child oppression?
21. Do you think that forceful selection of career leads to child oppression?
22. Do you think that child labour due to poor financial status of family leads to child oppression?
23. Do you think that kidnapping of children by beggars and interstate criminals leads to child oppression?
24. Do you think that status problem parents resulted in selection of school leads to heavy burden of children which leads to child oppression?
25. Do you think that awareness and improper knowledge of society leads to child oppression?
26. Do you think that while travelling on bus child face oppression?
27. Do you think that orphans protected in orphanage face child oppression?
28. Do you think that children may turn to illegal fields due to child oppression?
29. Do you think that the presence of uncle and aunty or senior students exploit children which result in child oppression?
30. Do you think that religious institutions exploit children result in child oppression?

The above said variables were analysed with the help of three point rating scale technique. The relevant score were ranging from 3 to 1. The response to question is very high it is given 3 high, 2 average and low assigned 1. The total score were found out aggregating the average score. The overall score are found out using the following formula.

$$\text{Overall score} = \text{obtained score} / \text{maximum score} * 100$$

For example the first value obtained is 57 and the maximum can be found out by multiplying the number of respondents with the maximum weight that is $57 / 66 = 88.36\%$. The obtained score compared with the following standard score developed by the scholar.

Score	Remarks
Above 80	High
Above 50	Average
Below 50	Low

Sl.no	Person for child oppression	High	Average	Low	Overall score (%)
1	Step parenting	15	5	2	86.36
2	Typical family background and financial problem	14	6	2	84.8
3	Lack of education	14	6	1	87.8
4	Drunken nature of parents	12	8	2	90.9
5	Absence of good child care	13	8	1	78.8
6	Non cooperative nature of neighbour	6	7	9	62.6
7	Criminal background	8	10	4	60.6
8	Child alone in the house	12	8	2	81.8
9	Helpless nature of mother or father oriented	9	9	3	72.7
10	Immoral relationship of mother	14	8	0	87.8
11	Greed for money of parents	8	9	5	71.2
12	Physical and mental disability	13	7	2	83.3
13	False reputation	8	6	8	66.6

14	Superstitious beliefs	9	5	8	68.2
15	Joint family	11	8	3	78.8
16	Navel information media	13	5	4	80.3
17	Colour and shape of child	12	8	2	81.8
18	New life style	14	5	3	83.3
19	Due to employment ties of parents	15	6	1	87.8
20	Mental disorder of parents	12	8	2	81.8
21	Competitive attitude of parents	5	7	10	59.1
22	Forced career selection	7	7	8	63.6
23	Child labour	13	5	4	80.3
24	Kidnapped by interstate criminals and beggars	2	2	18	42.4
25	Lack of awareness	13	8	1	84.8
26	Transport	10	8	4	75.8
27	Presence of uncle and aunty, senior students	11	8	3	78.8
28	Unhealthy situation in society	8	5	9	65.2
29	Religious institution	7	6	9	63.6
30	Poor family atmosphere	16	6	0	90.9

It is clear that from the above table very poor family atmosphere (90.9) is the most important reason behind child oppression followed by lack of education of parents (87.8) immoral relationship of mother (87.8). Due to employment tie of parents' lack of time for looking after

children, lack of awareness and improper education of parents (84.8) are main reasons behind child oppression. It is also observed that step parenting is one of the most important factor of child oppression (86.36) and there are large number of vulnerable children across the state due to step parenting.

The least influencing reasons are kidnapping by interstate criminals and beggars (42.4), followed by false belief of parents (59.1), criminal background of parents (60.6), non-cooperative attitude of neighbours (62.6).

From the above analysis we concluded that there were significant reasons behind child oppression. There for we accept the hypothesis and concluded that there were significant reasons behind child oppression.

HYPOTHESIS 1

There were significant reasons behind child oppression cases.

The above hypothesis were tested with the help of the overall scores of the relevant variables in the above compared variable. The overall scores were compared with standard score and final conclusion were arrived.

HYPOTHESIS 2

There is no significant relation between child oppression cases and punishments

For testing this hypothesis following secondary data has been used-

Number of cases	2015 – 2016	2016 – 2017
Reported	1582	2512
Number cases punished	512	626
Number of cases pending	765	982
Total	1582	2512

Source: Times of India November 19, 2017

OUTCOME

The outcome of the internship is that the researcher got the personal experience with the child oppression cases, framing the cases, hear the trial .The major reasons for child

oppression are founded because the researcher got handful of real life experience of child oppression cases. The data were collected and analysed.

CONSTRAINTS

The major constraints is the non-availability of sufficient data because of confidentiality of child related case as per the order of supreme court of India.

RECOMMENDATIONS

It is not possible to post cases to well and efficient advocates for child oppression cases, for this the government must increase the fees paid to advocates.

It is advisable to give proper awareness programme to parents.

It is advisable to avoid children alone in the house due to employment problems of parents.

It is advisable to pay justiciable remuneration to advocates for legal assistance otherwise it is very difficult to get service of very efficient advocates.

To check as far as possible the immoral behaviour of parents.

It is advisable to impose heavy punishment for child oppression.

There should be ample measures for improving family income to avoid many child oppression cases.

Implement courts which are child friendly and POCSO cases must take only in holiday after all daily chores of court.

A counselling teacher should be appointed in every school and counselling of students must made compulsory.

A special branch of police after proper training should be implemented to investigate pocso cases.

The child must be given equal freedom as adults but not in everything.

It is advisable to give proper awareness programme to children about every matters that affect them.

Every child must be sexually oriented. They must understand their body and understand what is sexual offence, what is bad touch and good touch.

Another important recommendation is that children, parents and other people must be oriented about the laws available in India. The laws are there to protect child but how far it is useful if it is not aware by the common man.

Special powers must be given to the child line in protecting and orienting the children. They must be properly oriented to protect their rights and not to negotiate by the external forces.

The government must make sure that these children are protected and looked after like any other children of the country as this will help them to gain confidence and move against the offenders.

The social taboos and other superstitious practices must be properly eradicate this can be done only by proper awareness.

The government should start a monitoring cell for the protection and safety of children since most of the cases include parents or close relatives. Where a child must be given proper care and education like any other child and must feel secure in there.

The speedy redressal of child oppression cases must be there as most of the culprits are from the family itself they may force the child to change his/her decision. As most of cases are out of court settlement and become hostile witness. Special court must be setup in every districts for child oppression cases.

Another recommendation is that modal of makkala Panchayat a system obtained in a Panchayat in Karnataka where children form a forum like Panchayat and discuss all their issues and recommend it to the higher authority to solve it that is adults they consider it as primary issue and solve it⁸.

CONCLUSION

As the children are the future of the country they must be protected and their interest must be saved. We have certain rules but that doesn't mean that our children are protected and safe. The researcher here found that by building certain rules alone doesn't make the condition of children good. We as a developing country needs proper orientation for child protection. Must make all citizens understand the need for child protection. The government policies must be more

⁸ Anirban Pal, Makkala Panchayat: Institutionalization of Children's Participation in Local Decision-Making, Vol. 18, No. 2, Collected Papers (2008), University of Cincinnati, pp. 197-205.

focused on child protection and child enhancement programmes. Even a special force can be established exclusively for child protection and speedy redressal for child abuse cases and they must be specially trained. The judiciary also plays an important role as not only making laws but also they can ensure speedy redressal of such cases rather than pending before law. So finally consider children as equal as any other people protect their right although they are young and under control of others give them their rights and protect them as they are the future of our country.
