CHAPTER 7

CONCLUDING REMARKS AND OBSERVATIONS
"If we are to reach real peace in this world, and if we are to carry can real war against war, we shall have to being with children. And if they will grow up in their natural innocence, we world not have to struggle, we would not have to pass fruitless, idle resolution, but we shall go from love to love and peace to peace, until at last all the corners of the world are covered of with that peace and love for which, consciously, the whole world is hungering."

— Mahatma Gandhi

History records that every society, large or small, rich or poor has lived with prostitution in some form or another, ever since the ancient times. Eminent writers in the field such as Bertrand Russell¹, W.E.H Leaky,² Dr. William Sanger³ and numerous other writers have expressed that prostitution can not be suppressed. Bertrand Russell expressed the view that so long as the virtue of respectable women is regarded as a matter of great importance, the institution of marriage has to be supplemented by another institution which may really be regarded as apart of it -the institution of prostitution.⁴

W.E.H Leaky speaks of prostitution as safeguards of the sanctity of the home and of the innocence of wives and daughters. The need for prostitution arises from the fact that many men are either unmarried or away from the wives that such men are not

¹. Bertrand Russel, Marriage and Morals.
content to remain in content and that in a conventionally virtuous community they do not find respectable women available to satisfy their sexual urge. Society therefore sets apart a certain class of women for the satisfaction of those masculine needs which it is ashamed to acknowledge yet afraid to leave wholly unsatisfied. Dr. William Sanger says it is a mere absurdity to assert that prostitution can ever be eradicated.\(^5\)

Prostitution has adapted itself to changing conditions, profits from varying situations and continues to spread its networks, reaching in an alarming manner the world of children. Child prostitution and abuse and exploitation of teenage children, in various forms, have been going on all over the world, over the years. The Research Report presented by Ms. Renee Bridel \(^6\) (France) at 28\(^{th}\) International congress, International Abolition Federation shows to what extent child prostitution and traffic in children are prevalent in the USA, the Philippines and in Thailand. Children under the age of eight can now be found in large numbers in brothels in different parts of the world. It has become a massive problem, mostly confined to third world countries, where poverty, socio economic conditions and growing population are forcing the children into a life of degradation\(^7\).

Ms. Leticia Shahani \(^8\), Assistant Secretary General U.N.O in Vienna made some thought provoking comments when she stressed the need for examining how the present day traffic in children has developed on a mass scale and has become the subject of commerce between industrialised rich ‘North’ and the developing poor

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\(^5\) Ibid
\(^6\) Ms. Renee Bridel (Switzerland), International Association of Democratic Jurists. Ms. Bridle’s address was based on the statement submitted in August 1984 to the working Group Against Slavery by the international Association of Democratic Jurists.
\(^7\) Ibid
\(^8\) Ms. Leticia Shahani, Assistant Secretary General, United Nations conference on “Decade for Women Equality, Development and Peace” held in Nairobi from July 8-26, 1985.

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The gradual decline in the world economic situation, especially in the Third world Countries provides a major incentive towards an increase in the exploitation of prostitution of others.

The increasing transnationalisation of the problem of the sale of children has called for greater attention due to the linkage between supply and demand, criminality and their chain effect. Many of the western counties have emerged as a potential market for supplies of children. Pedophiles from several developed countries continue to visit developing countries to victimize children. The sale of children is, sadly the product of crimes. Criminal elements vary from small scale operators to large scale multinational network. Most countries have laws to protect children but there is huge gap in their enforcement. Many countries suffer from poor law enforcement, and close liaison between State, National and International law enforcement bodies is lacking. A key question for the future is how to ensure a close rapport between state, National law enforcement bodies and the Interpol. The issues involved need adoption of new strategies, by all nations, in close cooperation with International agencies.

Though there have been demands from various quarters including prostitution themselves to legalise and decriminalize prostitution, one thing that needs condemnation is the induction of children into this profession. The Times of India reports, "A study on Child Prostitution in India" by the Centre Concern for Child Labour (CCL), a non-governmental organization says 30 percent of sex workers are children, numbering between 270,000 and 400,000. The number of children below fourteen years in prostitution is increasing at the rate of 8 to 10 percent every year. Nearly 78 districts are child prostitution prone areas. Two-thirds of the customers of
child prostitutes are above 50 years of age. The study also points out that a new category of youth customers is rapidly emerging. Nearly 20 percent of the customers of child prostitutes are students, particularly in the urban areas. Unfortunately, it is for this very reason that younger and younger girls are being forced into commercial sex and are afflicted with HIV, the AIDS virus. Under the patriarchal system, there has always been the need for the sexual satisfaction of one's requirements outside the family and in these days of consumerism and infection the less infected that is lesser the age, the better it seems to be and hence the demand for younger girls.

Trafficking in women and children is a crime which often transcends international boundaries calling for universal jurisdiction and, therefore, it cannot be inconsistent with the condition of jurisdictional limitations arising out of the nationality of offender. In accordance with the provision of U.N. Trafficking Protocol as well as the optional protocol to the Convention on the Rights of Child, there is a need for extraterritorial legislation. An offence under this Act should have a universal jurisdiction. A crime by anybody in India should be made triable in the country he/she belongs to, subject to dual criminality. Similarly, any crime under this law, if committed by any Indian national anywhere in the world, will be deemed to be an offence under this law and should be tried by any court in India.

Prostitution in India is a Rs 40,000 crore annual business. Thirty percent of the sex workers are children who earn a whopping Rs. 11,000 crore. Though society looks upon them with disdain, the reality is that these women and girls

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9. Though there are problems of finding reliable data on the subject of child prostitution, the above information was through a study conducted by the centre of Concern for Child Labour, a non govern organisation at Delhi.
have been compelled to step into this trade due to a number of factors: poverty, ignorance and lack of employment opportunities, illiteracy, inequitable socio-economic structures, family disintegration, false promises given to innocent victims, dowry system, broken homes, social customs and a fast growing consumerist culture, supply and demand in the sex market and globalisation the last mentioned-being the most important amongst them. So, far as the age-group of the prostitutes is concerned, at the time of entry, 45% of the girls are in the category of neglected juveniles, about 25% are minors between 16-18 years. In terms of education, 70% of them are illiterate, 30% are literate, 24% are educated up to primary and 14% have higher qualification.¹⁰

The UN Convention on the Rights of the Child, which was ratified by India in 1992 emphasizes that the Child by reason of his/her physical and mental immaturity needs special safeguards and care, including appropriate legal protection before and after birth. Article 34 of the same convention states that "State Parties should undertake to protect the child from all forms of sexual exploitation and sexual abuse". There are other international instruments¹¹ as well as media focusing renewed attention on their sexual exploitation and trafficking of children, especially the girl child.


In spite of several Convention and Declarations sexual abuse and trafficking of Children are still continued, which promoted the Interpol in 1992 to organise international symposiums on crimes against Children. There can be no greater indictment of modern civilizations and the values of humanity than the fact that one million children in Asia alone continue to be the victims. In Sri Lanka about 20,000 children are estimated to be in sex industry. In Thailand, the estimated number of child prostitutes vary. India also reports highest rates of sexual exploitation of children, mostly through prostitution. Most of these abuses are committed on the girl child.

It has been shown that India has none than 1,00,000 child prostitutes below eighteen years of age in six metros alone – Mumbai, Calcutta, Delhi, Madras, Bangalore and Hyderabad out of the total of 3,00,000 in the entire country. This account for none than 15% of the prostitute\textsuperscript{12}. And the number is growing at the rate of 30,000 every year. Approximately, 25% enter the profession between the ages of 15 and 18 belonging to the middle economic strata of the society and that every 10 boys and one out of every three girls have been sexually abused in childhood.\textsuperscript{13} Cases of sexual Acts against children below the 10 years showed an alarming increase of more than 178% in 1991 with 1,099 cases reported in the year as compared to 394 in 1990. It is also report that about 60% of the commercial sex worker’s in Delhi’s red light area, GB Road are child prostitutes and that in recent years, the average age of

\textsuperscript{12} According to the “Crime in India” a publication of the National Crime Records Bureau.
\textsuperscript{13} A study conducted by the Tata Institute of Social Sciences (Mumbai) in the year 1985.
the trafficked or abducted child has dropped from 14 to 12 years despite the amended Prevention of Immoral Trafficking Act, 1986.14

Within the country, the commercial sex work amongst children has it origins mostly in the rural areas. Religious sanction and age old customs/traditions as well as the patriarchal structure of society are factors that promote this profession in the rural areas. The Nevada's system, the Batavian system, the Jogin system, prostitution among the tribals (Banjaras, Rajnats, Dommar and Bedias tribes) – all these are traditional, ritualised and socially organised forms of the child prostitution. Then there are cases of community and area specific prostitution.15 Going from generation to generation, these types of the child prostitution are practiced in specific areas by some communities under the specific family itself.

In recent years, the actual sites for the promotion of sex work have been shifting in increasing number to urban areas and along the highways. A small percentage of girls also operate from guest houses or hotels, besides the brothels in the cities.

The organised trafficking network run by professional experienced individuals account for the greatest number of individuals brought, transported and sold within and outside India. Family members of the girls destined for flesh market also execute a sizeable percentage of the total trafficking operation. In some instances, the women already engaged in the profession take on the role of the traffickers – either

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consciously or inadvertently by maintaining connections with their rural homes and inciting the girls to the lure of city life. Sometimes, the traffickers are also women who have retired from their profession and to survive on their own, they source other girls from their native villages as the demand for a prostitute dwindles once she reaches 35 years of age. Daughters of prostitutes are also more likely to enter prostitution while still young.

Most of the others are children of families who have migrated to cities in search of jobs. Inadequate support system is largely responsible for creating an environment that leads to the abuse of women and children of migrant families. Most of the girls found in brothels based in Mumbai, Chennai, Kolkata, Hyderabad, Goa etc. have migrated from other Indian States besides Nepal and Bangladesh.

Tourism is another major cause of child trafficking and prostitution in this era of globalization. Mumbai and Goa have earned the notoriety of being center for Pedophilic commerce in India and the availability of plenty of young children has been a major draw for Indian and foreign tourists alike. The so-called extension services by father Freddy Peats on the beaches of Goa goes to prove this.\(^\text{16}\)

Ironically, the fear of AIDS has contributed to the involvement of minor girls in business because demand for virgins has increased exponentially with the fear of infection. There is also the myth that young girls in their pre-puberty cannot be infected with AIDS. Indian serves as a transit point through which young virgins from Nepal, Myanmar and Bangladesh are taken to the Middle East.

\(^{16}\) Refer to chapter – 5, The Role of Indian Judiciary in Protecting the Rights of Child.
mostly Dubai where, they are forced to lead a life of sexual slavery and domestic drudgery.

Trying to cope up with the increasing menace of child prostitution. Indian law makers have initiated various laws to curb this evil practice. India has the Juvenile Justice Act of 1986\textsuperscript{17} which deals with neglected juveniles found in conditions of social maladjustment, delinquency or neglect. This Act is used to release Young girls under 18 years in brothels. The Indian Penal Code prohibits procuring minor girls, selling or buying of girls for the purpose of prostitution. India has formulated the Suppression of Immoral Traffic in Women and Girls Act, 1956. The Act was amended in 1978 and again in 1986 under the name of Immoral Traffic (Prevention) Act to rectify some of the inadequacies in the earlier Act. The IPTA lays down penalties for keeping a brothel, living on earnings of prostitution, seducing or soliciting inducing persons for the purpose of prostitution and detaining a person in premises where prostitution is carried in it, prescribes stringent actions against such persons. If these children are found on medical examination, to be sexually abused, then it can be presumed these children have been sexually exploited for commercial purposes. The punishment could be imprisonment for a period of 7 years or for life or for a term that may extend to ten years.

The court may further presume that a child found accompanying in suspicious circumstances a person who is neither a parent nor a lawful guardian and who is leaving the country is committing the offence of immoral trafficking. The

\textsuperscript{17} Now known as Juvenile Justice (Care and Protection of Children) Act, 2000.
IPC clearly states that sexual intercourses with a woman with or without her consent -- if she is under 16 years of age amounts to rape and hence the offenders are punishable up to imprisonment for life. In spite of the various laws relating to child prostitution, it could not combat with the evil of sex trade.

Gaps in existing Law of PITA

In the year 1992, the Department of Women and Child Development had taken the view that in its actual operation, the Immoral Traffic (Prevention) Act, 1956 had not been very effective in curbing and controlling the problem of prostitution and its trafficking aspects. While the amendments to this law in the 80's had attempted to introduce some provisions relating to the presence of children or the abuse of the children in brothels, the Act was very much against the prostitute herself in its operation, and more women were getting arrested under this Act as compared to men, particularly when the latter represents most of the vested interest in the trade. Further, the existing law did not provide adequately for the welfare and the development of prostitutes and their children.

The PITA is not a self-sufficient piece of legislation. It heavily depends upon the India Penal Code to address some of the most crucial and serious offences that constitute commercial sexual exploitation and trafficking. PITA is almost insensitive to the international dimensions of the crime and makes no provisions to tackle the international crime. Cross border trafficking is not a new phenomenon. The 1993 Report of League of Nations reports the incidence of India boys in the brothels of Karachi for homosexual purpose of girls from Goa in the brothels of Bombay. The
Act maintained a deafening silence on the issue of second generation trafficking i.e. induction of the children of victims for commercial sexual exploitation and trafficking into the fresh trade in absence of any positive social intervention. The issue was largely left to be handled by the Juvenile Justice Act.

The Act under section 22-A proceeds for setting up special courts for speedy trials of offences. However, its implementation was left to the discretion of the state government. As a result no such court was established. It also failed to involve, in its ambit, the entire problem of the Sex Tourism and the exploitation of children by the pedophiles. The Act did not fix any responsibility on the part of the intervening state agencies like the enforcement, the Juvenile Welfare Board, the Heads of the various State Agencies giving shelter to the actual and potential victims of commercial sexual exploitation and tourism to conduct medical examination of the juveniles, particularly to ascertain any incidence of sexual exploitation, and in the event of such an incidence to file an FIR against an identified or unidentified offender. As a result, children and minors rescued from brothels or are in the captivity of the traffickers, who have been sexually exploited are rarely medically examined and in the case of any incidence of sexual exploitation no criminal proceedings are initiated at any police station. There have been many cases of minor girls who are pregnant but as it is not made binding on the JWB’s they do not proceed with any criminal proceedings.

In absence of any clearly binding responsibility laid down under PITA on the part of the enforcement agency, including the JWB minors and children rescued from explicit situations of commercial sexual exploitation are merely treated as “neglected children” somewhat like the Missing and Found children. The crimes of sexual exploitation and sexual assault are completely ignored and made invisible by these
agencies thus, it can be said that PITA remained under the suspicion of being an instrument of tolerating sexual exploitation of women as a necessary evil.

It is apparent that issue of prostituted children in the name of tradition by their own families is still not addressed by Indian Laws, and in those cases when the law has indeed been used to protect victims or punish the abusers, the process has been subjective, based mostly on the legal prowess of the lawyer or the sensitivity of the judge. Therefore, a fresh breeze blew when at the suggestion of National Human Rights Commission, the National Commission for Women recommended that the South Asian Association for Regional co-operation countries enact a special legislation to tackle the rising flesh trade. A Special Legislation is the need of the hour. Simply tinkering with the toothless existing laws is futile. The face of prostitution is changing very fast with liberalisation and globalisation. The special legislation should have provisions for punishing traffickers, pimps (rather than the victims), prohibiting child employment in tourism and hotel industries and banning “traditional” forms of sexual exploitation.

Suggestions:

The enforcement of law in India has been weak in dealing with abusers, exploiters, and traffickers of children. There have been several gaps in implementation. Some of them are:

18 Dr. Mrs. Mohini Giri, a chairperson of NCW in a personal interview, December 1996, emphasized that ‘we have been sitting and discussing the problem in conferences and meeting for many years and yet we aren’t able to find a solution to the problem. There are several loopholes in the law’. Mrs. Jyotsena Chatterjee (Director of JWP), in a lengthy discussion, Nov, 1995 told that ‘action by relevant law enforcement machinery’ is important.
Under the Immoral Traffic Prevention Act, 1986 the customer is not an offender. For a fixed sum of money, a man is able to obtain girls or women to satisfy his sexual needs, with or without or consent. In other words what constitutes rape outside the brothel is converted to prostitution inside the brothel and both children and women are deprived of their rights.

- Law relating to paedophiles is inadequate. Therefore, the police is generally ineffective when it comes to registering the crimes, especially when it actually comes to registering the cases against foreign tourists where passport officers and international links are involved.

- To prevent secondary victimization during interrogation / examination by investigating agencies as well as during court procedure, where a child is made to recall minute details of the sexual acts and experience, and is grilled in getting proof, a model code of conduct should be evolved. There should be a standard questionnaire for examination of the prosecutrix, indicating the parameters for supervisor.

- Examination of the victim / witnesses should be in the presence of social workers or women police, parents or other who have the trust or confidence of the child. Examinations should also be done in a familiar atmosphere and not in police stations.

- Investigation should necessarily be conducted into the trafficking angle in all cases of missing persons, procurement of minor girls, buying and selling, child marriages and all cases of kidnapping and abduction.
- Questioning should be done mostly by women police officers. Police officers should not be in uniform while examining the child and specially trained child friendly police officers should examine the child.

- Special courts, within certain time frame, should handle all cases involving sexual abuse of children.

- The age of the child in applicable Acts varies. The Juvenile Justice Act defines child as below eighteen years of age. The Child Marriage Restraint Act also specifies eighteen years as the cut-off age for restraining child marriage. Section 375 IPC identifies wife as not being under fifteen years of age and section 376 (2) (f) as not under twelve years of age. The PITA sees a female child as not exceeding years of age, while a minor is up to eighteen years. There should be a proper mechanism to determine the age of the child.

- The laws governing prostitution are biased against the prostitute. Under the Prevention of Immoral Trafficking Act, the customer is not an offender. Under the India Penal Code, transmitting a sexually transmitted disease is an offence. The prostitutes can be isolated compulsorily if she is found to have AIDS. The rescue operation have led to a spate of glaring human rights abuses of the prostitutes including right to freedom from violence, right to shelter and residence, right to seek legal help, right to family, right to information and right to representation.

- The Prevention of Immoral Traffic Act 1986, to be more effective, needs the following measures:
  - Notification of Public place
  - Closure of brothels keeping minors
  - Setting up of special courts for speedy trials.
- Rescue operations to be more humanely and sensitively carried out along with rehabilitation plan protecting the human rights of the prostitutes.

- Age verification of the rescued children to be immediately carried out along with rehabilitation plan protecting human rights of the prostitutes.

- Age verification of rescued children to be immediately carried out. In fact it should be linked to the rescue operations.

- Under the Immoral Traffic Prevention Act 1986, 75 percent of those arrested are females. It is evident that the Spirit of the Act has not been followed as the victims are been harassed.

The problem of child prostitution cannot be solved by only legal mechanism because the problem is more a social than a legal. The problem is much more related with the poverty and unstable family conditions. Many families believe in the theory that it is better to be in prostitution than to starve or beg, host of the child prostitutes belong to the scheduled castes and backward criminal tribes, because the families of these girls do not hesitate to claim that no stigma is attached to the trade of prostitution. Thus, the prostitution among the members of some communities, especially among the tribes, is a normal way of life without any stigma attached to it. Among these tribes are Bedias, Dhairs, Kanjars in the North and Harnis and Dombars etc. in the south. The young women and girls of Basadi tribe in Madhya Pradesh are found to solicit customers outside their houses with the open consent of
their male family members. The young girls are faced to community members to adopt the profession silently.

If any girl wishes to keep herself out of the profession and wishes to lead a normal married life, she is first persuaded against this idea and if she does not agree, she is repeatedly raped and ravished by the members of the community and thereby forced to adopt the profession as a career. In Indian, many tribal communities have a custom to decide young girl to prostitution and in the tribes these girls are not looked down upon. The customary practice of prostitution in many tribal communities forces many of us to rethink the problem from the culture perspective.

In India the problem of child prostitution is more complicated than in other third world countries where it is directly related to sex tourism. In India commercial sexual exploitation of children has its roots in traditional practices, beliefs and gender discrimination. There are a number of prevalent myths that govern and influence behavior towards the girl child in India. It is therefore important to create different set of knowledge base in the society. If most optimum results were to be achieved, concerted attack on the problem at the right place and time through a careful planning would be needed.

Changing attitude, towards child prostitution is another essential front on which the society have to fight the battle. It involves promoting a culture of childhood as enumerated by the Convention on the Rights of the Child and enshrined in the Constitution of India. The fostering of attitudes which recognises the importance of childhood: the importance of education and the importance of healthy education will
go a long way towards eradicating the evil of sex trade. The media can play vital role in creating awareness about ‘childhood’ and its importance in a person's life. The electronic Media, both government controlled and privately owned, which have a large and more effective reach take it as a social responsibility.

The key position in the world of prostitution is held by the pimp. A large proposition of sex workers work under the control of pimps, who are predominantly males, and for whom, prostitution is the road to considerable financial success. A pimp can help and protect prostitute under his control from legal troubles as well as provide financial and other assistance from the law and others strike. The pimp make a stable arrangement with the police and other law enforcement agencies so that this obnoxious profession can be carried on without much troubles. A pimp can also protect the sex workers against the physical or financial threat used by drunks, toughs and customers who want something without nothing. Most sex workers have little control over male access to them — indeed, the pimps must make that access as free as possible — and when confronted with the trouble makers, it is nice to have someone in the wings who can deal with the problem. Once caught up in his grip, a girl quickly learns the extent of her dependence upon him, and the pitfalls surrounding any attempt to leave the fold. It is by no means uncommon for a pimp to maim or even kill a defecting or retiring girl.

One might for example, think that most people could at least agree about prevention programmes — almost everyone believes in prevention of immoral traffic in women and girls. But even here there is sharp disagreement about whether to take a legalistic approach or an educational approach, a narrow punitive approach or a broad
positive approach based on humanistic approach. Controversy is even more fierce with respect to rehabilitation programmes. Traditional intervention approach to child prostitution has focused on the surrounding circumstances as its primary target in contrast to legalistic approach.

Responses to child prostitution may be divided into two basic categories. The first, rehabilitation, takes place outside the legal system and involves prostituted girls participating in education, counselling and vocational training. The second method is the use of law enforcement to punish the procurers/pimps and brothel keepers so as to prevent these persons from procuring, soliciting or inducing new girls to enter into the profession.

Public awareness and social mobilisation through citizens are necessary to curb this menace. Focusing on source districts, there is a need for the development of a database on the magnitude and dimension of the problem. There is need for the development approach involving the different department – Education, Health, Social Welfare, Social Defence, Department of Women and Child Development, Media, NGOs and social groups. But all said and done governments alone cannot end child prostitution. We need wide community support to end the same.

The National Commission for Women have identified this problem as a key area of concern and have formed expert committee with knowledgeable people and have formulated a ten year National Plan of Action (1997-2006) split into two parts, to co-ordinate with the 9th and 10th India Five Year Plans. In the meeting, the NCW had with groups of prostitutes, the latter suggested co-operation as one eligible way of
controlling child prostitution. In India, groups of women were to form to safeguard the interest of children who would be kidnapped, sold and brought to the brothels and these women who have formed the cooperatives would act as rescuers and prevent their entry at the early age. It will closely monitor the activity of processing of new minor girls, their sale etc. In Maharashtra, the Railway used to be frequently used medium of transport and entry to Mumbai cities included railway station of Commercial Sexual Trafficking, Mumbai Central, Dadar, Kurla, Thane etc. It is essential that concerted maids are carried but by police with the help of railway and transport authorities to check this menace.

It has also been recommended to carry out the rescue operation in minor girls under J.J.Act preferably during the day. And that rescue operation should be carried out after getting definite information of minor girls kept in a particular brothel. The identity of the area should be confined and uniform policemen should seal the entry and escape routes. Rescue team should also consists of two lady social workers, lady Mohalla committee members along with the lady officer, constables and women constables. The girls rescued should be sent for medical examination to verify their age and they should be attended by trained counsellors to help overcome psychological trauma.

Thus police can play an important role to prevent child/ minor prostitution and for this purpose require close operation of various Government agencies and NGOs. It has also been suggested that the foreign offenders found involved in the prostitution of minors should be denied immunity against prosecution. Government,
International Organisation, societies have to work together to eliminate those scourge.

While some laws exist to counter commercial sexual exploitation of children, greater political will, with sensitive policies and programmes, more effective and committed implementation measures, adequate, increased allocation of resources and inter-sectoral approaches to address the poverty situation of vulnerable families are needed to effectively eradicate the practice.

There also need to be growing concern about trafficking of children from across the borders of the country, especially from Bangladesh and Nepal. There is an urgent need for charting these trafficking routes and identifying the criminal networks that feed the brothels particularly in Bombay and Calcutta, with children procured from Bangladesh and Nepal.

While the primary task of combating the commercial sexual exploitation of the children rest with the States, Civil society, elected representatives of the rural and urban self governments, Children themselves have an essential role to play in preventing and protecting children from commercial sexual exploitation. It is imperative to build a strong partnership between governments in the South Asian region, between NGOs in these countries and between governments and NGOs within the country to counter such exploitation.

Commercial sexual exploitation of children is an all obnoxious global problem. At present it is one of the major flourishing trades. No civilized society
should tolerate this form of violence on innocent young vulnerable children which is a potential national human resource. Today, it is universally recognized fact that child prostitution constitutes a gross violation of the Child's right to protection and healthy development. It is also a flourishing industry operating worldwide that capitalizes on the sale and trafficking of children through internet and other means. Hence it is of serious concern to multi disciplinarians. This is a multifaceted problem which needs well planned, multi-pronged strategies for its eradication.

Indeed child prostitution is an outrageous evil. There are violations in various ways of the basic rights of children but nothing is more horrendous than exploiting them sexually and engaging them in prostitution. Using children to satisfy an adult's sexual needs is something so cruel and mean that it does not exist even in animal kingdom. Children in prostitution are pathetic victims of power and cruelty in the male dominated society and greed-driven economy.

The ordinary criminal laws are totally inadequate to protect the children who are victims of commercial sexual exploitation. There is a need for special legislation supported by policy in this area. There has also been a demand for setting up special courts to deal with such offences. India has ratified the United Nations Convention on the Rights of the Child and is, therefore, obliged to make laws in consonance with the Convention. The Constitution of India, in its Directive principles of state Policy under Article 39(e), obligates the state to give facilities to children to develop in a healthy manner in conditions of freedom and dignity, protecting childhood against exploitation and against moral and maternal abandonment.
With the growing number of cases on child prostitution and child abuse there is an urgent need for law and also for law reform. The new law must honour the basic dignity of human life regarding the innocence of children making a unambiguous distinction between commodities, services on the one hand and human body and life and other. The law enforcing mechanism should consider the phenomenon of child prostitution as a socio-legal and human problem. They should be strict, on one hand, with the persons involved in the procurement of girls and on the other, be considerate and sensitive to the girls who become victims of circumstances. Justice to the child is also hampered by the attitudes of the Indian society which places a high premium on virginity. Judges, lawyers, law makers, child care social workers, the police, doctors, mental health professionals and other medical personnel need sensitization and training to handle these cases and also to change the legal processes and mechanism. In the new millennium NGOs and the media must vigorously advocate this reform along with creating public awareness and sensitivity, as law is an instrument of social change capable of bringing about change along with other social institutions and organizations.