

PROTECTION OF CHILD AND CHILD RIGHTS IN INDIA



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Short Profile

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ABSTRACT:

In India, almost 19% of the world's children reside. According to the census 2011, more than 440 million children i.e. 37% of the total population of India come under 18 years of age and 40% of these children require care and protection that indicate the extent of the problem. After independence, the Government of India has been taken various steps to address issues like child

education, child mortality, child work, health, and development. However, these stapes for child protection remain largely undesirable. It is now being realized that if these issues like child abuse, child labor, child trafficking, child marriage, and female child inequality are not addressed, the overall progress of the country will not be possible. Realizing this, the government of India is focusing on child issues much and launching several schemes and programs including National Child Labor Project (NCLP) Scheme, Integrated Child Development Services, Sarva Shiksha Abhiyan, National Rural Health Mission, and enacted various laws related to child development. Despite these efforts, children in India are still vulnerable and facing various problems. In this context, this paper is an attempt to highlight the rights of children in India and their problems.

KEYWORDS : *Child, Child Rights, India, Child abuse in India.*

INTRODUCTION :

All over the world, children and childhood are broadly defined in terms of a 'golden age' which is akin to humility, meekness, freedom, joy, play, and the like. From Jesus to Gandhi, before and after,

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every great soul saw divinity in adolescence. The presence of God can be noticed in children and each child brings a message that God has not yet despaired his best creation. Children are gifted as a special and priceless thing to us in the hope that we would realize their values, favor their personality and recognize them as human beings. We should know the countless values of children especially female children as they face more difficulties due to numerous social prejudications and orthodox systems. A child, male or female, is indeed the future of a county as well as the entire humankind, and the advancement of the society depends upon their development.

WHO IS A CHILD?

To talk about welfare and development for children it is needed to give a legal definition of a child. The first definition in this respect was given by CRC (Convention on the Rights of the Child), an international treaty that was the first lawfully binding international instrument to contain the whole range of human rights – to the children. Article 1 of the CRC defined a child as a person under the age of 18 years unless, under the law applicable to the child majority is attained earlier, as they require special attention and protection which an adult does not require. (Rights of the Child, 1990). There are no such definitions of other terms used to explain young people such as "adolescents", 'youth' or 'teenagers' in international law. There is a general view in every language that 'children usually implies small children, especially that age are below 18.

WHO IS CHILD IN INDIAN PERSPECTIVE?

There is a constant debate about considering human age as a child. According to the UNCRC, a child means every person under the age of eighteen, if not, a child under the law, acquired before the majority. The word Child has not been defined in the Indian Constitution. In India, there are many laws related to children which define children in different age groups. According to Child Labour Act (Prohibition and Regulation), 1986, a child is a person who has not reached the age of fourteen. On the other side, according to the Child Marriage Protection Act, 1926, a child is a person who has not completed twenty-one years in the case of a man and has not completed eighteen years in the case of a woman. Moreover, under the Juvenile Justice (Care and Protection) Act, 2000, 'juvenile' or 'child' means a person under the age of eighteen. Both the Factories Act of 1948 and the Plantation Labor Act of 1951 state that a child has not reached the age of fifteen. Considering all these laws, it is clear that there is no specific age limit or definition for a child in the Constitution of India.

CHILD RIGHTS:

Child rights are those fundamental and inherent rights of human beings who are below the age of 18. These rights apply to every child irrespective of caste, color, creed, sex, and status. The prime issue is equal opportunity for all children. All children should have equal rights and equal opportunities to enjoy adequate living standards. If we talk about human rights, children are being denied their human rights. A safe childhood is a human right and forms the foundation of human rights. Ensuring children's rights is the first step towards ensuring human rights. Despite their rights, children are exposed to poverty, homelessness, abuse, neglect, preventable diseases, and unequal access to education and access to justice. Children must not be treated as an object of charity and property of their parents rather they are the base of society and the future of the nation.

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The UNCRC (United Nations Convention on the Rights of the Child), 2006, mentioned the rights of the children to develop their potentiality, individuality, freedom from hunger and want, free from oppression and discrimination, neglect, and abuse. These rights emphasized a new vision of the child. According to the UNCRC, child rights are the minimum rights and the freedom that should be granted to all persons under the age of 18 irrespective of race, caste, sex, language, religion, opinion, origin, wealth, birth status, or power and therefore applicable to all. The UNCRC suggested to all countries to respect and ensure that children would be provided fair and equitable deals in society. The UN Convention on the Rights of the Child is an international human rights treaty that sets out the civil, political, economic, social, health, and cultural rights of children. The Government of India is a part of this treaty. India rectified the CRC on 11 December 1992. The CRC is the most complete statement of child rights ever made.

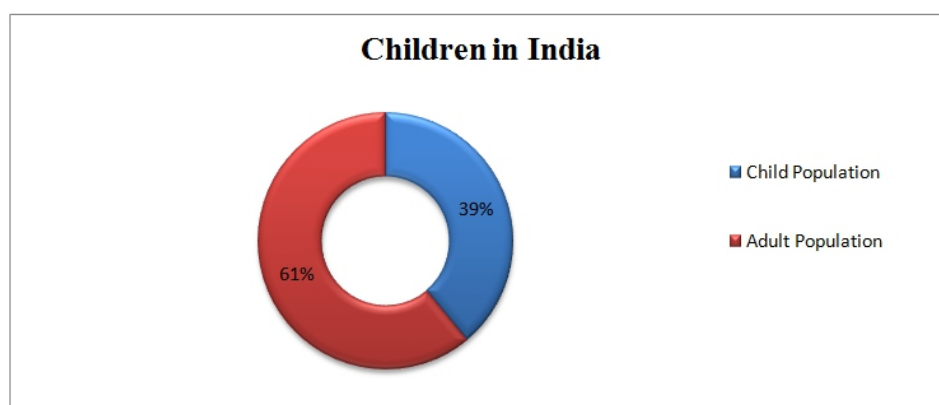
THE SITUATION OF CHILDREN IN INDIA:

In 1974, the government of India adopted a National Policy for Children where children were viewed as a nation's most precious asset. From the Forth Five-Year plan onwards the children issues were found in the national development plans in India. But, insufficient attention was seen in terms of investment. In 1992, the Indian government adopted the National Plan of Action for the Children followed by the World Summit of children held in 1990. However, a positive change in the situation of children in India is seen after adopting the above schemes and programs. But, there is a serious gap in between the launching programs and implementations of the programs and performance too. This article intends to highlight the crucial areas which demand the immediate attention of all concerned. These areas are:

CHILD POPULATION IN INDIA:

India has the second most population with 1.21 billion people in the world. Out of the total population, 39% represents Children whose age is below 18. Figure 1 highlights the children and adult population of India i.e. 39% and 61% respectively. It is observed by this figure that a good number of the population of India is covered by children.

Figure-1



Source: Government of India Census, 2001.

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AGE GROUP OF THE CHILDREN OF INDIA:

Table-1 shows the different age group-wise populations of children in India. 29% of the total children population is under the age group of 0-5. On the other hand, 28% are from the age group of 6-10 and 27% come under the age group of 11-15. Moreover, 16% of the children population is under the age group of 16-18.

Table-1

Age Group of the Children of India		
Sl.No	Age Group	Percentage
1	0-5	29%
2	6-10	28%
3	11-15	27%
4	16-18	16%

Source: Government of India Census, 2001.

CHILD SEX RATIO IN INDIA: 1991-2011

Table-2 is dealt with the sex ratio of children in India by the census years of 1991, 2001, and 2011. This table shows that the sex ratio has declined from 1991 to 2011 in both rural and urban areas. In the years 2011, the total children's sex ratio was 914 which is 31 points lower than 1991. The child sex ratio has also declined in rural areas and urban areas from 1991 to 2011. However, the gap in rural-urban child sex ratio has been reduced from 27 points in 2001 to 17 points in 2011. This data shows the discrimination against female children in India.

Table-2

Child Sex Ratio of age between 0-6: 1991-2011			
Census Years	1991	2001	2011
Total	945	927	914
Rural	948	933	919
Urban	935	919	902

Source: Census, India, Office of Registrar General of India

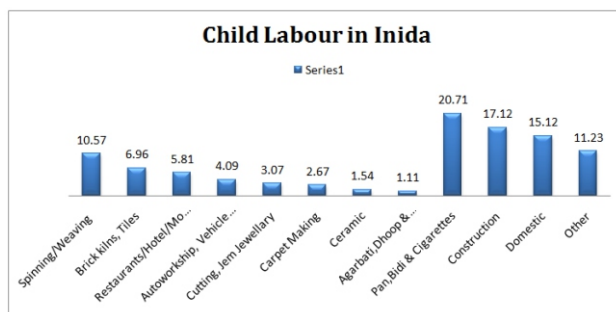
CHILD LABOUR IN INDIA:

Figure 2 highlights child labor in India as per census 2001. It shows the highest percentage of the children was involved in pan, bidi, and cigarettes working i.e. 20.71%. On the other side, 17.12 % of children engaged in the construction field. Followed domestic workers are 15.12%, others 11.23%, spinning/weaving workers is 10.57%, brickkilns, tiles 6.96% respectively and so on. This figure is questioning about the future of the country.

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Figure-2



Source: Government of India Census, 2001

CHILD MARRIAGE IN INDIA:

Child marriage is legally prohibited in India. But, due to illiteracy, unconsciousness and orthodox social system child marriage could not be eliminated. As per NFHS 2005-2006, child marriage is found more active in rural India as compared to urban. Table 3 clearly shows that several laws regarding the prevention of child marriage are working more in urban areas than rural areas. A high rate of child marriage was seen in Jharkhand, Rajasthan, West Bengal, and Uttar Pradesh respectively.

Table-3

Percentage of Child (Women) Married Before 18 Years			
State	Rural	Urban	Total
West Bengal	62.6	31.5	53.3
Uttar Pradesh	61.1	30	53
Rajasthan	65.7	35.8	57.1
Orissa	38.7	24.3	36.3
Maharashtra	48.9	28.9	38.8
Madhya Pradesh	62	31.1	53
Jharkhand	71	33.6	61.2
Gujarat	37.9	27.3	33.5
Chhattisgarh	60.3	25.4	51.8
Bihar	65.2	37.3	60.3

Source: International Institute of Population Sciences (2006), NFHS-3.

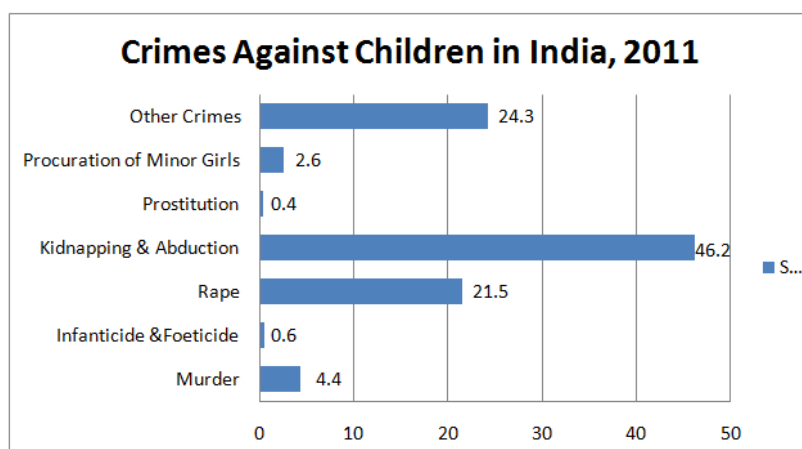
CRIMES AGAINST CHILDREN IN INDIA:

Figure 3 provides picture crimes against children in India. It is alarming that criminal activities against children have been increased in India. In 2011, crimes against children have been reported 24% increased from the early time. Maximum crime is seen in the kidnapping and abduction sector i.e. 46.2%. Followed other crimes (24.3%), rape (21.5%), murder (4.4%), procurement of minor girls (2.6%), infanticide and foeticide (0.6%) and prostitution (0.4%).

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Figure-3



Source: National Crime Records Bureau, 2011

Through the discussion of the above figures and table, it can be easily understood that the position of Children in India is well. The government of India has launched several schemes and programs for the protection and promotion of child rights.

Various Schemes and Programs for Promoting Child Development in India:

- Integrated Child Development Services (ICDS), implemented by the Ministry of Women and Child Development, is the world's largest program aimed at improving health, nutrition, and education for infants, young children (0-6 years), and their mothers.
- The Reproductive and Child Health Program (RCHP) is being implemented by the Ministry of Health and Family Welfare, providing effective maternal and child health services, micronutrients. Interventions for vulnerable groups, reproductive health services for adolescents, etc.
- The Pulse Polio Vaccination Program (PPVP) is being implemented by the Ministry of Health and Family Welfare covering all children up to five years of age. It is a huge program that covers 166 million children in each round of National Immunization Day.
- The Sarva Shiksha Abhiyan (SSA) implemented by the Department of Education provides for the improvement of school infrastructure and the quality of education of children.
- Kasturba Gandhi Balika Vidyalaya (KGBV) is a new project being implemented by the Department of Education to open 750 special residential schools for SC / ST, Other Backward Classes, and Minorities in Educationally Backward Blocks where the female literacy rate is low.
- Integrated Program for Street Children. The Ministry of Social Justice and Empowerment is implementing this program. The goal of this program is to prevent children from becoming destitute and to help them move away from life on the streets. The program is targeted at the homeless and families with fewer children, especially those at risk for abuse and exploitation.
- The Child Helpline is a toll-free telephone service (1098) that anyone can call for help on behalf of children. It is being run with the help of the Ministry of Women and Child Welfare Working in 72 cities across the country.
- The National Rural Health Mission, a Ministry of Health scheme aims to provide effective healthcare to the rural population with a special focus on 18 states, including children with large populations

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across the country, whose public health indicators are weak and/or government spending on health has increased by 0.9%. 2-3% of GDP to GDP.

- Elimination of child labor is being implemented by the Ministry of Labor which approves projects for rehabilitation of working children and elimination of child labor.
- The government is also actively considering introducing a child budget. The main objectives of the effort will be to analyze the provisions of the social sector budget, identify the number of budget allocations made by the Central / State Governments to meet the specific needs of children, examine the trend of child-specific expenditure.

CONSTITUTIONAL PROVISIONS FOR CHILDREN IN INDIA:

Several provisions in the Constitution of India impose on the State the primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected.

A. According to Article 14 of the Constitution, children enjoy the same rights as adults.

B. The state can make special provisions for children under Article 15(3).

C. The Constitution of India directs the State government to provide free and compulsory education to all children under age 6 to 14 (Article 21A).

D. Articles 23 and 24 of the Indian Constitution prohibit the human trafficking and employment of children in factories below the age of 14 years.

E. Article 39 (f) directs the State to ensure that children are given equal opportunities and privileges to develop in a healthy and independent and dignified manner and guaranteed protection of childhood and youth are against moral and material abandonment.

F. Article 45 of the Constitution specifies that the state shall endeavor to provide primary child care and education to all children up to the age of six years.

G. There is a duty of the parents or guardians to provide educational opportunities to their children under the age of 6 to 14 (Article 51A clause (K)).

H. Article 243G provides child care read in conjunction with Schedule-11 to institutionally raise the level of nutrition and quality of life, as well as to monitor the improvement and development of public health and the welfare of children in the country.

LAWS RELATING TO THE RIGHTS AND ENLIGHTENMENT OF THE CHILDREN IN INDIA:

1. The Guardian and Wards Act, 1890
2. The Reformatory Schools Act, 1897
3. The prohibition of Child Marriage Act, 2006
4. The Apprentices Act, 1961
5. The Children (Pledging of Labor) Act, 1933.
6. The Hindu Minority and Guardianship Act, 1956
7. The Hindu Adoption and Maintenance Act, 1956
8. The Immoral Traffic Prevention Act, 1956
9. The Women's and Children's Institutions (Licensing) Act, 1956
10. The Young Person's harmful Publication's Act, 1956
11. The Probation of Offender's Act, 1958
12. The Child Labour (Prohibition and Regulation) Act, 1986
13. The Juvenile Justice (Care and Protection of Children) Act, 2000, repealed the Juvenile Justice Act 1986. The Infant Milk Substitutes, Feeding bottles and Infant Foods (Regulation of Production, Supply

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14. The factories Act 1948

15. The Commissions For Protection of Child Rights Act, 2005 Though govt. of India.

CONCLUSION:

Issues related to children's rights are very important in India. This should be done both practically and practically. This responsibility should be borne not only by the government and law enforcement agencies but also by all non-governmental organizations. To create a protective environment for children, the government must strengthen its commitment and capacity to fulfill the protection rights of children; emphasizing the establishment and enforcement of adequate legislation; Addressing harmful attitudes, customs, and habits; Encouraging open discussion with all stakeholders on child protection issues; Development of children's life skills, knowledge, and participation; Socially and economically backward those who create family and community strength; Provide the necessary services for prevention, recovery, and reintegration, including basic health, education and protection; And the establishment and implementation of uninterrupted and effective monitoring and reporting. If there is a Millennium Development Goals, it is important to keep this in mind when working for child protection.

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