

Research Papers



Child Rights in Perspective of Their Development

Dr. Bijendr Pradhan

Assistant Professor

Department of Social Work Jain

Vishwa Bharati University Ladnun,

Rajasthan

Abstract

The future of the Nation, our children turn to be the most vulnerable section of human society. The vulnerability of children could be seen from the prospective of their persistent physical strength, mental maturity and socio-cultural understanding. Considering these, degrading strength and the emerging up bringing needs of the child; The Constitution of India, Directive Principle of state policies, International Commitment such as The United Nations Convention on the Rights of Child (UNCRC), 1989, Commission on the Right of Child, National Children policies and supportive several protective and rehabilitative legislations like Juvenile Justice Act (J. J. Act), 2000, Right to Education Act, 2009, Right to Food Act, 2009, The Pre-Natal Diagnostic Techniques (Regulation and Prevention of misuse) Act, 1994, Child Labour Act, 1986 etc. introduces from time to time, the land mark decisions for facilitating the Protective, Survival, Developmental and Participatory Rights of the Children.

However, the on going socio-economic poverty, population explosion, illiteracy/ignorance, outdated child care attitude of the parents, child care, worker, agencies etc. perpetuate to continue to put a good number of our children under malnutrition, morbidity, mortality, sex selection, deprivation, destitution, neglect, exploitation and different form of abuse. These all are seriously effecting development of our children in terms of quality, competence and overall status.

In these circumstances the various types of institutions set up on the philosophy of Human Resource Development, occupy Significant responsibilities by creating child rights based development in and around.

Introduction

One Third of India's population is below the age of eighteen years. India's children are India's future. The investment on children is

investment for future. To have bright future, it is important to have children with sound body, mind and spirit. This is possible if their basic physical, psychological and emotional needs are met. The fulfillment of these needs will make them healthy, happy, protected, well developed and productive members of the society. But, the reality is that India is a large number of vulnerable children.

Children need to be nurtured and protected for their healthy growth & development. It has long been recognized that a child has his own needs and rights for the fulfillment of these needs; he is dependent on the parents. Hence parents are responsible in providing what is required to the child.

Govt. of India is also committed to ensuring the rights, protection and development of children in the country. To achieve this goal govt. has enacted various legislations and has been implemented policies and programmes for improving the status of children thereby

promoting their wellbeing. The Constitutional Provisions and some Protective Legislations dealing with the welfare and protection of children from different forms of work and exploitation, namely Article 24 (it prohibits the employment of children in factories); Article 39 (e) and (1), (by this, the state is obligated to safeguard the health of children and offered opportunities to grow with dignity), and Article 45, provides for free and compulsory education for children. The child Labour (prohibition and regulation) Act, 1986 was passed to prohibit the employment of children in various occupations and regulate the conditions of work of children in certain other jobs. National Plan of Action of Children 2005 and the Commission for the Protection of Child Rights Act, 2005 have certain loopholes, limitations and gaps, hence these are not effective in implementation part to tackle this problem.

Despite hectic planning, welfare programmes, legislations, and administrative actions in the past five decades, a large majority of Indian children continue to remain in distress and turmoil. Each child in the world has right to learn any trade he/she wants to. Parents or others, who force them to follow a line of learning in which they have the least motivation, actually impair development. When such thing happens, in some total, a nation develops slowly due to the placement of right person in the wrong role.

“You encourage a child, it learns to establish a goal in life”

“You love a child, it feels the world is a place to live”

“You allow a child to express, he learns a lot through mistakes”

“You facilitate a child, it develops his potentiality”

Elementary Education the Rights of every Child

The recognition of children as a discrete group with identifiable rights and needs is now increasingly accepted as a legal principle which underlies much of the relevant international human rights and humanitarian law. Arguments for the special treatment of children usually rely on two main factors: Education is one of the most important investments that any developing country can make for its future. Education is the most effective tool for empowerment of human development. But in India Elementary Education has been saga of broken promises. This has been characterized by neglect of education of urban

disadvantaged children, the girl child and disabled children and by low budgetary allocation. As a finding of continuous and persistence advocacy campaign, the Parliament Passed Ninety-third Constitution Amendment Bill 2001 to make education a Fundamental Right in India.

Violence Against Children

In most families, the parents neglect them, caretakers batter them & in workplaces employers sexually abuse them, through this problem of emotional, physical & sexual abuse of children is increasing, it has failed to capture the attention of Sociologists and Psychiatrists in our Country. The public & the government also recognize it as a serious problem. Some studies limit the term “Child Abuse” to “Children who have received serious physical injury caused willfully rather than by accident” (Garden & Gray, 1982:5). But no definition of child abuse can be considered valid unless it includes non physical acts such as mental injury & neglect & ill treatment of a child. Child abuse is usually classified into three major types: Physical, Sexual and Emotional.

Child Labour

In our Country more than 40 percent of the population is living in conditions of extreme poverty, child labour is a complex issue. Children work out of necessity and without their earning, the standard of their families would decline further. A large number of them do not even have families; the alternative to work may be idleness, destitution, or worse, crime. Employers give certain justifications for employing children to suppress their guilty feelings. Under the National Children Policies and Supportive Several Protective and Legislations, there is Child Labour (Protection & Regulation) Act, 1986 for protection of children from employment in certain occupation.

Ensuring Right to Food for Healthy Life

Malnutrition of children is one of the biggest public health problems facing the country. It adversely affects the growth and development of children including their learning ability, and the capacity to cope with the problem of daily living. The NFHS, 1998-99 provided data on 'nutrition status' of children under 3 years of age, 47 percentage children were under malnourished and 18 percent severely under nourished (weight for age) children are at an accelerated Risk of undernourishment at past-weaning and early

childhood stage, and birth order is higher. Female children are more undernourished than male children. Malnourishment is also higher in rural areas

Action Aid estimates that 212 Million People Suffer from chronic hunger and undernourishment in India. India is ranked 67th among 84 developing countries in the Global Hunger India for 2010 prepared by the International Food Policy Research Institute.

Food is the first among the hierarchical need of human being. Therefore, Food Security should have the first charge on the available resources. Food Security is the "access of all people including children to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life" The Universal Declaration of Human Rights of 1948 (1) that "every one has the right to standard of living adequate for the health and well being of himself and his family including food"

According to Ministry of Agriculture, in 2008 India has second largest arable land (184 Million hectares) and largest irrigated land of 55 Million hectares. The country is the largest producer of Wheat (72 Million Tones), largest producer of Pulses (15 Million Tones), Milk (90 Millions Tones), Spices and Tea.

Day Care

There is a need for Care Centres for children of working women in rural and urban areas. Early childhood is a crucial period of care, concerning health, nutrition, and social development, most working women are in low paid jobs as casual workers or self employed. In urban areas, a large number of women are employed in low-income service sector and processing industries. Their problems have been aggravated with the aggravating trend of nuclearization of families, leaving the parents with the responsibility to take care of their children, even while they are fighting their daily battle for survival.

Women workers in the organized sector are legislatively entitled to create services to be provided by the employer. The number of women workers covered is, however, very small. Employers find ingenious ways to show that the number of workers are less than the minimum required to organizing a crèche. They also outsource the work to reduce their liability. Some are function under the charge of trained workers. Children are provided with supplementary

nutrition and other facilities. In other cases, however, crèches are run only in per functionary manner. Some autonomous bodies and government department have setup crèches for their employees. The Central Social Welfare Board and women and Child Development Ministry are providing assistance to Non-Government Organization to organize crèche services for children below 6 years from low income families.

Street Children

Street Children are a symbol of the urban social malaise. They are among the most vulnerable categories of urban Indian Children, and can be seen in street crossings, pavements, underneath flyovers, railway platforms, bus stations, parking lots, markets and other public places. They are called street children because they spend a considerable part of the day on the street for employment, shelter, companionship, or loitering around. These children have never been to school or have dropped out of school after a short while. Around 90 percent have ties with their families and 10 percent are on their own, these being mainly those who have been abandoned or have escaped from maltreatment abuse, neglect family break down, or object poverty.

In the Eighth Five Year Plan (1992-97), a separate Centrally Sponsored Programme of grant-in-aid for street children was launched. Some state governments also provide grant-in-aid to NGOs for providing services of these children. Some International NGOs have provided assistance with project grants. In 1998, the government of India setup a child line India Foundation which monitor child line services in country. The child line services respond to the emergency needs of children who require care and protection, and are in different circumstances. Because they have Rights for get the basic need for proper growth and development.

Juvenile Delinquency

Juvenile delinquency has emerged as one of the social problems which the modern society has to face. Poverty is not the only or sole cause. G. C. Dutt observes, juvenile delinquency is rapidly becoming a serious menace in India and with the progressive industrialization and urbanization of many parts of the country.

The research reports and survey shown increase in delinquent behavioral of children aged 14-18 years. The Juvenile Justice Act 1986,

considers a boy of 16 years or below and girls 18 years or below as a juvenile. In later amendments of J J Act, 1986, To the BARE Act, 2000 (India 2000), it is said that any person, 18 years or below found to commit an offence would be considered as Juvenile delinquent.

A study of juvenile delinquency in rural and semi urban areas shows that the problem of delinquency was also serious problem in rural area. The survey shows that 11% of juvenile population in the age group of 7-18 years committed delinquent act as compared to 17% in the town. (Intelligence Bureau, Government of India, Seminar on Social Defense, March 1965, p 30). The following crime were committed by juveniles in the report on Crimes in India by Government of India in the year 2005 – Murder, Attempt to Murder, Hurt not amounting to Murder, Rape, Kidnapping, Dacoity, Robbery, Burglary, Theft, Cheating, Arson, Hurt and Sexual Harassment etc.

Cause of juvenile delinquency; social scientists reported that theoretical causes are social disorganization, strain and stress, bad company and labeling. The external causes are atmosphere at home, neighborhood and teachers behavior. Under the correctional services the observation home offers a place of safety and facilities for the classifying the type of children to suitably plan for treatment services and placement of the child according the need of each individual child. The United Nations' Convention on the Rights of Child provides a frame work for improving the living conditions of children, focusing on the following four broad areas: Survival Rights, Development Rights, Protection Rights and Participation Rights.

Conclusion

All Child Rights are framed in perspective of their development; it means Rights of child is fulfilling all aspects of development of children. If we implement properly, all child rights then they can grow properly and also contribute in making our country the best in the world.

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