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Human Rights and Children in India A Review

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ABSTRACT

One of the most inclusive issues in global academia is human rights which though is been crowned with modern day concerns but is an ancient concept rather. What makes it an important inter-state issue is its essence of treating humans with equality, respect, dignity and ensuring fundamental security irrespective of caste, class and importantly, age. There exist no room for prejudice and violence. Moreover, human rights in contemporary time has got identified with various groups like, disabled, minorities and marginalised; relating marginalised section it is children who share an important part among others. It is these young people who cannot protect their rights in case they are subjected to violence and atrocities. However, the paper tries to explore whether human rights of children in India have been realised in actual sense of the term; in other words, is there any gap between the theories and practices?

KEYWORDS : Human Rights, Violence, Crime against Children

INTRODUCTION

Of late, one of the most inclusive issues in global academia is human rights. Essentially, what makes it an inter-state issue is its essence of treating humans with equality, respect and ensuring fundamental security. Here, it needs to be discussed pretty about the essence of the concept. Human rights though is been crowned with modern day concerns but is an ancient concept rather. Philosophical, religious and cultural contributions laid enough its base. Starting from ancient to modern time, argument about the nature of human rights existed. Nevertheless, human rights abstractly stipulate freedom, liberty, equality, dignity and personality of people all the way through debates. Having availed of a strong theoretical background, human rights attained its structured growth for being applied universally during late 1940's; it was the United Nations (UN) which took this responsibility on its shoulder. Adoption of the Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966) are the crucial ones to signify the issue. All these instruments are meant to ensure people protection, personal freedom, equality and thus of course, a life with dignity. There exist no room for prejudice and violence. More than this, human rights in contemporary time has got identified with various group (s) viz., disabled, minorities and marginalised; relating marginalised section it is children who share an important part among others.

With regard to the rights of children it is asserted that there exist no special claims on their part rather the concept of child right is inherent within the very concept of human rights. The reason behind treating children with special care and protection is only the combination of their humanity with their youth. Children should not be treated like adults, for instance, a child is not permitted to marry or participate in the electoral process. Similarly, considering the age of these young human beings it is emphasized to ensure them protection from violence, cruelty or torture. In this paper we shall try to understand whether human rights of children in India has been realised in actual sense of the term; in other words, is there any gap between the theories and practices? Sources of information and data used to support arguments are secondary one.

GOVERNMENT'S CONCERN FOR CHILDREN!

The Government of India has designed well different provisions, through constitutional and legal efforts, to ensure basic rights and protection to children against exploitation and violence. Some important among these include Articles 15 (3), 21 A, 24, 39 (e, f), and 45 of the Indian Constitution and the Child Labour (Prohibition and Regulation) Act, 1986, the Child marriage Restraint Act, 1929 and the Hindu Adoptions and Maintenance Act, 1956. Furthermore, to attain holistic development of children along with women the Department of Women and Child Development was set up in 1985; a number of plans, policies and programmes are formulated by the Ministry of Women & Child Development, Govt. of India from time to time including enactment or amendment of legislations. Establishment of the National Commission for Protection of Child Rights (NCPCR) through the Commission for Protection of Child Rights Act, 2005 in India again signifies the protection of the interest of child. Thus, the government has always been keen on developing mechanisms relating protection of children and their physical and psychological development. Nevertheless, a close view of the present day condition of children in India reveals somewhat different. In the subsequent discussions we shall discuss different categories of violence/abuses against children.

In the first place, it is a fact that the present socio-economic standing of India offers a number of problems for its children. To a developing country economic challenges are not uncommon but in India there appears certain social issues also which are linked with psychological development of children, for instance, how the socio-cultural values influence the socialisation process of a child along with the problem of poverty. Children in India often face different categories of abuses viz., physical, sexual, verbal or emotional. Physical violence against a child include causing/inflicting physical injury e.g., burning, hitting, shaking, punching, kicking and like this. Inappropriate sexual behaviour with a child, such as, intercourse, rape, incest, sodomy, exhibitionism, fondling a child's genitals, making the child fondle the adult's genitals etc. could be categorized as sexual abuse. Then comes the verbal or emotional abuse, a difficult area to recognise all the nature, in which children have to face behaviours/acts from person (s) that hurt them emotionally or creates mental trauma for them, for example, punishments by confining children in dark room, using derogatory terms to describe the child or habitual tendency to blame the child. In addition, neglect of girl child in patriarchal Indian society also cannot be ignored. In many instances young girls face physical, emotional or educational neglect from their families as well as society like, when female children are not given adequate food, education, medical care, love and emotional support as are provided to male children. Now, if we concentrate on table 1 presenting figures indicating different types of crime causing against children since 2003-2012 we would understand the nature and extent of violence against this marginalised section in India.

TABLE – 1 CRIME AGAINST CHILDREN IN INDIA: 2003 – 2012

Crime Head	Year									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Murder	1212	1304	1219	1324	1377	1296	1488	1408	1451	1597
Rape	2949	3542	4026	4721	5045	5446	5368	5484	7112	8541
Kidnapping & abduction	2571	3196	3518	5102	6377	7650	8945	10670	15284	18266

Infanticide	103	102	108	126	134	140	63	100	63	81
Foeticide	57	86	86	125	96	73	123	111	132	210
Abetment to suicide	25	33	43	45	26	29	46	56	61	144
Exposure & abandonment	722	715	933	909	923	864	857	725	700	821
Procuration of minor girls	171	205	145	231	253	224	237	679	862	809
Buying of girls for prostitution	24	21	28	35	40	30	32	78	27	15
Selling of girls for prostitution	36	19	50	123	69	49	57	130	113	108
Child Marriage Restrainst Act, 1929	-	-	-	-	-	-	3	-	-	-
Child Marriage Restrainst Act, 1929 (as amended in 1978)	63	93	122	99	96	104	-	-	-	-
Prohibition of Child Marriage Act, 2006	-	-	-	-	-		-	60	113	169
Total	7933	9316	10278	12840	14436	15905	17219	19501	25918	30761

Source: National Crime Records Bureau, Ministry of Home Affairs, Govt. of India.
(Data have been compiled by the author).

Children in India fall victim of different kinds of crimes such as, murder, rape, infanticide, foeticide, kidnapping and abduction, child marriage and like this as is presented in table 1. An analysis of the figures presented under different heads in the same table reveals that since 2003 to 2012 the highest number of crimes committed against children in India is in the year 2012; starting from 7933 during 2003 the incidents of crime has accelerated to 30761. It implies four times increase from the initial year. Further, the highest number of incidents of kidnapping and abduction (81579) have been noticed during the aforesaid period; this has been followed by rape (52234), murder (13676), exposure & abandonment (8169), procuration of minor girls (3816), foeticide (1099), infanticide (1020), child marriage (under Child Marriage Restrainst Act, 1929, Child Marriage Restrainst Act as amended in 1978 and Prohibition of Child Marriage Act, 2006) (922), selling of girls for prostitution (754), abetment to suicide (508) and buying of girls for prostitution (330). In addition, child labour is another area, though is difficult to extract accurate figures, through which a large number of children in India are exploited. However, all these figures presented here include merely the registered incidents which took place in the presence of enforced legislations and constitutional protections. In the following we present a graph which would clearly mark out the increasing trend of violence (during above mentioned period) or crime against children in India.

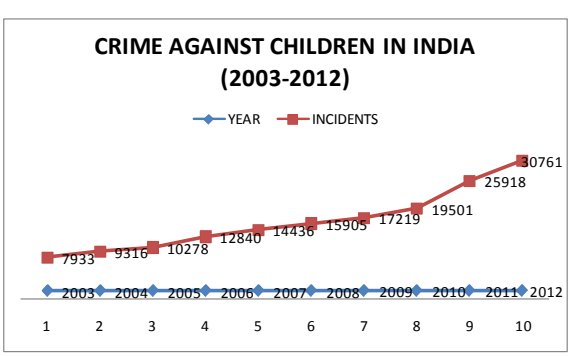


Figure 1: Year wise total incidents of crime since 2003-2012 (Presented on the basis of table 1)

WINDING UP

It is quite evident from the above analysis that though the government's legal framework, policies, programs and actions are considered as humanitarian approach towards children, these do not go enough in protecting the human rights of children in India. In reality, there appears question mark over the concern of the government regarding ensuring security to this marginalised section. The important point here is bridging the gap; the gap that prevails between theory and practice. This will require appropriate execution of the existing protective mechanisms along with the removal and change of socio-economic imbalances and subjective social mindset respectively.

REFERENCES

National Crime Records Bureau, Ministry of Home Affairs, Govt. of India is a site that publishes reports on crime against children and others (http://ncrb.nic.in).