



A STUDY ON RIGHTS OF CHILDREN IN INDIA

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ABSTRACT

Every year, Millions of children are reported as victims of abuse, crime, kidnapping, violent attacks ,exploitation, child labor etc., in all over the world. But Urbanization in India leads to many problems in our society against children including health issues like malnutrition and high infant mortality rate and rise in disseat burden and crime against children in India. Children who are living in rural areas have limited access to healthcare, education and protection. Our country has formulated many safeguards against child in order to protect the rights of children. Diversity of culture and and disparities in India is a most barrier for working together of goal of translating dream of child rights into a reality. But continuing violations against children in available reports proved that all these safeguards against children are not properly enforced due to lack of awareness and loopholes in the legal safeguard mechanism in India.

KEYWORDS : Exploitation, Rehabilitation, Advocacy, Violation.

INTRODUCTION

Every year, Millions of children are reported as victims of abuse, crime, kidnapping, violent attacks ,exploitation, child labor etc., in all over the world. But Urbanization in India leads to many problems in our society against children including health issues like malnutrition and high infant mortality rate and rise in disseat burden and crime against children A study available in India indicates that children in the cities are not only victims of such violence but a danger of becoming a part of organized crime rackets especially when faced with circumstances such as disruption in schooling, dysfunctional family, lack of parental care and exposure to substance abuse. Abused and neglected children may experience a range of problems such as relationship difficulties, Lack of trust on adults, emotional outbursts, low performance at schools, depression, anxiety and anger. There are 472 million children of India under the age of 18 years which represents 39% of country's total population. Among these 29% constituted between the age group of 0 to 6 years. In India 73% of children are living in rural areas have limited access to healthcare, education and protection.

Based on certain provisions of the constitution and adopted UN Convention on child rights 1989 our country has formulated certain safeguards against child in order to protect the rights of children in India.

CONSTITUTIONAL SAFEGUARDS AGAINST CHILDREN ARE THE FOLLOWING:

1. The state is empowered to make any special provision in favor of children which enables the state to make any affirmative discrimination in favor of children (Article 15(3))
2. The state shall provide free and compulsory education to all children of the age of six to fourteen years (Article-21-A)
3. Traffic in human beings and forced labor are prohibited (Article 23(1))
4. No children below the age of fourteen years shall be employed in any factory, mine or any other hazardous occupation(Article-24)
5. The state is required to ensure that children of tender age are not abused and forced by economic necessity to enter vocations unsuited to their age(Article 39(e))
6. The state is required to ensure that children are facilitate in a healthy manner and freedom and dignity protected against exploitation, moral and material abandonment (Article 39(f))
7. The state shall endeavor to provide early childhood care and education for all children until they complete the age of six years(Article-45)

8. It shall be the duty of every parent to provide opportunities for education for between the age of six and fourteen years children (Article 51-A(K))

LEGAL SAFEGUARDS AGAINST CHILDREN ARE THE FOLLOWING:

1. Right of Children to Free and Compulsory Education Act(2009) provides for every child of age of six to fourteen years and free and compulsory education in a neighborhood school.
2. Prohibition of Child Marriage Act(2006) enacted to repeal child marriage restraint Act(1929)in order to prohibit child marriages.
3. Juvenile justice (Care and Protection of children) Act, 2000 aims at providing a juvenile justice system for juveniles in conflict with law in need of care and protection. It adopted the eco friendly approach in adjudication matters for better rehabilitation.
4. Child labor (Prohibition and Regulation)Act, 1986 prohibits employment of children below 14 years in notified hazardous occupation and processes and regulates working conditions of children in other employment.
5. Infant Milk Substitutes, Feeding bottles and Infant foods(Regulation of production, supply and Distribution of infant milk substitutes, feeding bottles and infant foods with a view to protect and promote breast feeding and proper use of use of infant foods.
6. Guardians and Ward Act(1890) provides court must taken into consideration of the welfare of child while appointing a guardian.
7. Young Persons (Harmful Publication)Act, 1956 prevents dissemination of publications harmful to young persons.
8. Children (Pledging of Labor)Act prohibits the parent or guardian from pledging the services of child in return for any payment or benefit.
9. Children Act(1960) provides for care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children.
10. Hindu Minority and Guardianship Act(1956) codified the law relating to paramount consideration for a court in appointment of any person as a guardian of a Hindu minor.
11. Immoral Traffic (prevention)Act, 1956 is preventing trafficking for the commercial sexual exploitation.
12. Pre-conception and Pre-Natal Diagnostic Technique (Prohibition of Sex Selection)Act, 1994 prohibits sex selection before or after conception and preventing the misuse of prenatal diagnostic techniques for sex determination leading to female foeticide provides for free legal services to children.

13. Legal Services Authorities Act, 1987 provides free legal services to children
14. Protection of children from sexual Offences(POSCO)Act 2012 provides protection to children from the offences of sexual assault and harassment and pornography and establishment of special courts for trial of offences.
15. The Factories Act, 1948, Plantation Act, 1951, Merchant Shipping Act, 1951, Mines Act, 1952, Motor Transport Workers Act, 1961, Apprentices Act, 1961 and Beedi and Cigar workers (conditions of employment)Act, 1966 prohibits children in the employment in the related occupations.
16. Commission for Protection of child Rights Act(2005) provides for establishment of a National Commission for Protection of Child rights, State Commission for Protection of child rights and special court for the children for speedy trial for violation of child rights.

THE FOLLOWING OTHER RELATED LEGISLATION WHICH CONTAINS CERTAIN RIGHTS AND SAFEGUARDS:

1. Code of criminal procedure(1973)
2. Indian penal Code(1860)
3. Indian Divorce Act(1869)
4. Family courts Act(1984)
5. Hindu adoption and maintenance Act(1956)
6. Hindu marriage Act(1955)
7. Indian Succession Act(1925)
8. Muslim women (protection of rights on divorce Act(1986)
9. Parsi Marriage and divorce Act(1936)
10. Probation of offenders Act(1958)
11. Protection of women from domestic violence Act(2005)
12. Special marriage Act(1954)
13. Employers state Insurance Act(1948)
14. Orphanages and other charitable homes(supervision and control)Act(1960)
15. Bonded labor system(abolition)Act(1976)
16. Persons with disabilities(equal opportunities, protection of rights and full participation)Act(1995)

CONCLUSION

Diversity and and disparities in India is a most barrier for working together of goal of translating dream of child rights into a reality. The constitutional ideals ,National laws, policies and International conventions have addressed the the issues relating to children considerably and not solved completely in India. Because accountability is not been fixed for non implementation of legislation . Although children are not placed in main political agenda of development of our country. Despite having all kinds of rights in force in favor of children in India they face more challenges in enjoying the rights especially in the areas of education, forced child labor and early child marriage. Child hood should be endowed with minimum safeguards considered as important factor for shaping the future of the pillars of the Nation. In India promotion and protection of child rights is a governmental priority which is based on constitutional and statutory provisions compliance on UN Convention on the rights of child adopted in the year 1989. Even though many provisions which are available to children in India it could not curb heinous crimes against children owing to lack of sensitivity in the society and other stakeholders about crime against children. Available report reveals that in POSCO Act 2012 provisions of Indian Penal Code is not sufficient enough to deal with the crimes against child. Because in most of the cases kin and the relatives were trying to hide sexual offences like crime against their children owing to social stigma and delay in registration of cases by the police and delay in medical examination are diluting the cases and probabilities of conviction of culprits in many cases. Media should reveal the incident of crime against child and should reveal the identity of culprits in children related violations and also strictly desist from revealing the identity of victim in any way . Legal services

authority should create awareness among the all stake holders about dealing with offences against children and legal education and research should be included in child rights advocacy of the government.

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