



**ORIGINAL RESEARCH PAPER**

**Law**

**HUMAN RIGHTS OF VIOLATION OF CHILDREN:  
DESPERATE NEED FOR IMPARTIAL AGENCY**

**KEY WORDS:**

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**ABSTRACT** Human Rights of the Violation of children in India is routine news. We have enacted a number of acts in the welfare of the children of which latest is the POCSO-2012. It is a painful to note that the implementing agencies are very callous in treating such cases. Child rape, trafficking killing for organs are all a routine happening in India. So, there is a need for change of approach in the implementing agencies in protecting the Human Rights of these innocent kids of our society.

**INTRODUCTION**

The term 'Human Rights' was came into prominence after the Declaration of Independence in 1776 of U.S.A. The French Revolution resulted in the 'Declaration of Rights of Man and Citizens' in the year 1789. Though there are many a declarations by various nations on the human rights, however, this slogan has taken a definite shape only after 10th December 1948 when the UNO declared United Nations Declaration of Human Rights.

**Children and violation of their rights**

Children of India are most exploited lots on various grounds. Their right to play, expression of needs, right to study are all violated by many of their parents unscrupulous criminals and silent killers like traffickers. In a survey where in more than 45,000 children in the age group 12- 18 across 26 states of our country, revealed a shocking note of caution that every alternate children is trapped in child sexual abuse. In another survey by Humanitarian Aid Organization of the World Vision India wherein a sample size of 45,844 respondents revealed that one in every five of them do not feel safe and has to live on the fear of being sexually abused. It has also come to the record that one in four families retract from report of child abuse<sup>2</sup>. It is surprise and of warning that about 98% of rapes being committed by people known to the children<sup>3</sup>.

**Sexual abuse of Girls of Disabilities**

Children with disabilities are covered under the Persons with Disabilities (Equal Protection of Rights and Full Participation) Act 1995 and as well as The Mental Health Act 1987 which has been recently amended as The Mental Healthcare Act, 2017. In India 1.67% of the 0-19 aged population has one or the other disability, of which 35.3% are children. In another estimates 12 million children are living with disabilities, among them just 1% of children with disabilities have access to school<sup>4</sup>.

In India there are 9,00,000 sex workers all over the country, of which pathetically, 30% of them are children and number is increasing by 8% to 10% per annum. In one of the study involving 456 sex workers in Mumbai who were rescued by police, one-fifth of them were under 18 years and two-third of them were less than 20 years. The average age of girls supplied to the brothels in the last two years has decreased from 14 and 16 years to 10 and 14 years<sup>5</sup>. A girl between 10 and 12 years fetches the highest price. So, one can analyze the reality of child prostitution or child sex rackets in India. "Child prostitution is the ultimate denial of the rights of the child." Although there is a dearth of data on the nature and magnitude of the incidence of child abuse in India, data on offences against children reported by the National Crime Records Bureau (NCRB) is the only authentic source to estimate the number of children in abusive situations.

And the ripple effects of these young marriages are devastating. Research shows that girl brides are more likely to

- Die during pregnancy and childbirth
- Lose her child before it's born
- Be infected with HIV
- Have three or more births, and
- Undergo multiple abortions.

The girl children with disability has to face much more severe form of harassment. This was evident from Chandra, a 12-year-old girl with cerebral palsy, was kidnapped in 2013, raped and thrown her bleeding in a field close to her home in West Bengal state.<sup>7</sup> The hopeless girl child was unable to speak or either sit, stand, or walk properly and could not call for help or go home. After several hours of sufferings some villagers found her. She died a few months later due to health complications.

**Female Genital Cutting**

This is yet a dirty practice which our country feel proud of. It is called khatna wherein female genital mutilation is practiced by the Dawoodi Bohra community in India. The defacement is carried out by midwives who cut off the clitoral head of girls at a young age. The belief associated with this kind of maiming is to curb a woman's sexual feelings (Moushumi Das Gupta, 2017).<sup>8</sup>

**Trafficking for sexual exploitation**

Among the current population of India there are 9,00,000 sex workers all over the country. These sex workers include 30% children and the recent reports estimate the number to be increasing by 8% to 10% per annum. In a study where 456 sex workers in Mumbai were rescued by police every one of five were below 18 years and almost two-third were below 20 years. A girl pushed in brothel if she is of 10 and 12 years fetches the highest price. Child prostitution can be considered as the most inhuman act which deny the rights of the child.<sup>9</sup>

Child trafficking, according to UNICEF is defined as "any person under 18 who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country"<sup>10</sup>.

National Human Rights Commission (NHRC) in 2007 reported<sup>11</sup> "The revelations at Nithari exemplify that missing children may end up in a variety of places and situations – killed and buried in a neighbour's backyard, working as cheap forced labour in illegal factories/establishments/homes, exploited as sex slaves or forced into the child porn industry, as camel jockeys in the Gulf countries, as child beggars in begging rackets, as victims of illegal adoptions or forced marriages, or perhaps worse than any of these as victims of organ trade and even grotesque cannibalism as reported at Nithari".

**Crores of girls married before legal age**

What makes worse is a whopping 78.5 lakh girls (2.3% of all women or girls who in 2011) were married while they were not yet 10 years of age. But an alarming 30.2% of all married women, or 10.3 Crores of girls<sup>12</sup>, were married before they had turned 18.

**Laws on Human Rights in India**

There are 45 women related acts available in India for their safety and protection<sup>13</sup>. It could be seen that the 'Sati' a men dominated obsessive plan was to be put down as early as 1829 at Bengal by Governor-General Lord William Bentinck where it was very usual just to avoid women to be fallen pray to men other caste resulting mixing of cast. The IPC 1860 contains a host of sections which helps and protects the women. There are about 19 Acts in the

protection of Children of our country. The recently amended The Mental Healthcare Act, 2017 is a very comprehensive piece of legislation in the protection of mentally disabled people in India. For the protection of downtrodden people the Prevention of Atrocities Act 1989 and its recent modification in 2016 along with the provisions in the constitution such as Article 15- Clause-4; Article 16-Clause-4, Clause-4 (a); Article 17; Article 23-Clause-1, Clause-2 are sufficient enough for protection. However, in spite of these provisions the human rights violation is multiplying unabated.

#### Conclusions:

So, the possible reason may be attributed to the implementing agencies who are callous and lethargic in their attitude owing to the mental setup. So, we need very badly the implementing agency who are impartial, with human attitude in tackling the child related issues and crimes.

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