



PROTECTION OF CHILD RIGHTS V/S PROTECTION OF CHILDREN : A REALITY CHECK

Shikha Trivedi

LLM. SET Ph.D. Research scholar of Dept. of Law, University of Kota (Raj.)

ABSTRACT Philosophy of life says “live & let be live”, the morality says “live for others”, Heart says Live for Happiness but in the most of practical cases “reality” says live to face the struggle of life, for the survival of own existence. In India where approximately 60,000 children missing or being abandoned each year, we can say that 'reality' is spreading its wings with increasing faces of struggle towards childhood. we have read & heard many more quotations and old saying about the children like “children are the future of a country” but in our own country where we celebrate the “children's day” and we have the II biggest ratio of increasing population, there is a dilemma about the status of child, are they growing safely, in safe environment of sophisticated society? Are they safe in unsafe atmosphere of so called developed scenario?

KEYWORDS : Abandoned, Welfare, Exploitation, Protection, Education, Health, Childhood, Abuse, Family, Future, Legislation, Fundamental Rights, Development, Safety & Security.

When a child takes birth in a family they celebrate it with pomp & show. But there is a difference between celebrations. If a male child comes into family celebration goes higher, in a orthodox family and it convert in the sadness, if a girl child takes birth. Very few of Indian believes that girl's boys are equal and they have equal rights to grown up in all ways & in all manners. Poverty is not only related to money if may be 'mental poverty' and in India we have majority of it.

People think struggle of survival of life is start from the employment stage of poor youth, but in India this struggle starts from the womb of mother, where a girl child prays to save her life. Than if she comes in a mentally & financially poor family she has to play various roles from her child hood, like a nanny a domestic worker, job assistants or some time a sex worker. In India we have more than dozens labor laws with the protective shield of constitutional provisions, but we have the highest ration of child labors in the world, which is approximately 12 million (Between the age of 7-14) according to ILO.

Our constitution is covering all aspects of development & of child hood through these articles:

Articles -14– Right to equality,

Article – 15, Prohibition of Discrimination:

But Reality is different, in 2011, Indian sex ratio was 140 which is lowest from 1961, which shows that we are still maintaining sex discrimination in the birth rate of male & female child as well as all other aspects of development and all children are not getting equal rights to take birth.

Article -21, right to maintain the dignity of life along with Right to education **Article 21-A & 45-A, 51-K**, as per the Judgment of “Unnikrishanan”(2). But Education is still a dream for many children, where out of 193 million children in the age group 6-10 yrs. only 8.1 million children are out of school. The literacy ration of India is just 74.04 %, it mean 26 % population including children are still uneducated. Elementary education is a fundamental right and Govt. are trying to encourage it through mid day meal yojna, Sarva shiksha Abhiyan and mostly by **The Right of children to free & compulsory Education Act, 2009** is trying to ensure this encouragement. But in public sector education is difficult to get due to lack of basic facilities like infrastructures, Books, Qualified Teachers in Satisfactory nos. On other hand private sector have created & converted Education as business where only financial capable families can acquire admission of their children paying high range of school fee. Although RTE provides an opportunity to get admission in these schools but it has very small ration and these admitted children have to face an another kind of humiliation & Discrimination in Education.

Article – 23- Ban & Prohibition of child labor.

Article – 24 – Prohibition on employment of children in Hazardous labor organization.

Many poor children work in domestic area as well as industrial areas for their survival, whether they are abandoned or they have parental or

they have parental guardianship. Their guardians send them & pressurized them to do work; some of them sell their own child to get some money. Their buyers indulge them in stone crushing, making of crackers & match box, glass work, zari work, clay work, metal work, carpet industries, salt industries, Bidi making industries and many more endless jobs which are like a torture. Jaipur, Firojabad, Lucknow, Muradabad, khurja Mandesour, smabalpur, agra, Aligarh and other cities are world famous for said industrial production but they are defamed also because most of ratio of workers filled by children. They worked there for 18-20 Hrs. continuously in intolerable condition and hazardous environment. But what to do? Some of them are abandoned and some of sold by their own parents. Although Supreme Court have directed and provided many guidelines to follow them along with various legislative Laws related to protection of Children from child Labor. (1)

According to **part IV** of Indian constitution, we have adapt the concept of welfare state, through **Directive Principles of State Policies** in which state has to pay attention regarding protection of children from Abuse **article – 39 – (e)** and to give them opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood protected against exploitation, moral & material abandonment **Art – 39 (f)**.

All these provisions are supported by judicial system that provides guidelines time to time for different – different aspects (3), related to child Abuse and we got **Protection of Children from Sexual Offences Act, 2012 and the Juvenile Justice (Care & Protection of children) Act, 2002 ; which has been amended in 2015.**

But practically no of offenses against children are increasing continuously. Crimes against children in India have increased by more than 500 % over the last 15 years. More than 50% of crimes have been recorded in just 5 states. Kidnapping & Abduction, Rape, crime under Posco, murder, & JJ Delinquency are going to common news. In society where children are not safe even their own home among their own people than freedom & dignity are seems just good words to hear not to feel. **The Indian penal Code, 1860** declare; exposure & abandonment of child less than 12 yrs. As a punishable offence under **sec. 317** but in India 4 % of child population is abandoned or missing. It is pathetic that there is only 0.3 % child whose parents have died.

These abandoned children have many dangerous surrounding in which they are treated just like a prey; many criminal organizations capture them to maintain the business of Bagging, chain snatching, theft, Drug smuggling and other criminal rackets. Some of them send to child prostitution or Trafficking for fulfillment of human flesh, body organs or slavery. These are the terrific & horrible condition in which we cannot think even what would be happen actually? The Brothel Institution or orphanages are converting in hell; most of institutions are running in document only for the grants & funds. Some of them working like a hiring agency for criminals and very few are working for the child welfare.

Article – 47– imposes duty on the state to raise the level of nutrition &

Health. But Health of children is a petty issue for the society according to WHO 45% of children died every year due to malnutrition (Under the age of 5 years). Approx 6 million children are facing the life threatening stage of mal nutrition. Approximately 19.4 million children under the age of one year did not receive basic vaccines. so many common diseases like polio, diaheria, tetanus, Tuberculosis, Pneumonia, measles are the high risk for infants and children below 2 yrs., and many more new diseases like; HIV, Hepatitis, Swine Flu, Dengue, malaria, Kango fever are creating this situation more critical. So many children dies due to improper vaccination, it is a silent alarm for survival ratio.

Evil in social structure :-

So many problems are created by us. Our social orthodox thinking nurturing the social Taboos, like menstrual period of minor girl. So many girls have to leave their school and pressurized for early marriage. Hygiene sanitation adult education is still issues not to discuss openly. Most of people think girls have a great responsibility to preserve dignity of family maintaining her virginity; whether they don't have toilet in their house and girls have to go outside alone in the darkness. Toilet is not important for them but people trying to isolate girls from school. Early marriage means early child & it is not ethical neither physically nor mentally, so Dignity & Health both are spoiling by society.

Not only India but the entire world is facing lots of issues related to childhood and Rights of children. So may efforts have been placed globally in concern of child welfare?

- Human Right Declaration – 1948
- International covenant on Child Protection 1959 & 1966
- Article 25(2) Geneva Declaration,
- WHO, UNISEF, UNESCO.
- Bezing Rules related to children Right, 1985.

Indian Govt. is also trying to uplift the degrading status of children through

- National Policy of Children (NCP),
- National Institute of public co-operation & child Development (NICCD)
- NHRC, Ministry of child welfare, etc.
- Beti Bachao – Beti Padao
- Padhega Indian Badhega India
- Ayushman Bharat Yojna,
- sarva Shiksha Abhiyan etc.

All these efforts cannot be success one sidely. We also have to take interest to curb the problems and create solution. We are debating on such issues but we are doing nothing to change this scenario. Situation is going more & more critical as well as children are being more unsafe in home, out of home. Kids are not only an essential part of family but also a developing branch of the tree society. If we want to see this tree in a lush green color along with fruits & flowers then we have to empower its roots through the Nourishment of Healthy food, happy atmosphere, safe & pollution free environment, special dose of education with the fertilizers of moral values. We also have to prevent it from all social devils of unsocial thoughts. We have to secure it from all kinds of offences. Tree branches with leaves are unable to secure themselves and to nurture themselves. If we will not watering the tree roots, Branches and leaves will be dry & pet yellow. Similarly children are unable to maintain their rights or claiming for the fundamental facilities. Their rights are in a passive mode. They have many Rights but they can't enforce them thus it is our legal & Ethical duty to convert passive right into active reality.

CONCLUSION:

We should deal children like an assets because everybody keeps assets safe & secure. Children are valuable & we have to maintain their values. It is our noble duty that not a single be vulnerable it is our Noble duty that not a single child be vulnerable. If a child seems in adverse condition, it is our duty to drop him at appropriate place where he/she can be safe. If we will respect of our future in present than our past present future will be change. All the children are the responsibility of nation; we all have the collective Duty to maintain their childhood, because if one lost his childhood no one can get back it by anything & any manner. Children are the blessing of the god we should try to stop their lives become curse. We cannot blame that coming generation are values less because only we can pursue the upbringing of children with moral & ethical values. Thus reality and theory have a huge Difference.

We should not follow the philosophical approach in a formal way. We should face, feel and accept the actual scenario, so that we can improvise It, make the changes in the society and maintain the protective shield provided by the legislation and our constitution. We have to change the lives of great poet "Sri Gopal Das Niraj" in which he has wrote the harsh truth of childhood.

"Jinko Jana Tha Yahan, Padhna Ko School Jooton Par polish Karen who bhavishy a ke phul"

Now we have to change this struggle of childhood for the survival all our efforts will make their future Flourish & Fruitful.

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