***Class-notes prepared and uploaded by-Dr Adidur Rahman***

***Dept. of Pol. Science, HAAC***

***For 6th sem. (Major), paper-6.6.***

TOPIC:

Child Rights Protection in India:

India is the home of the largest population of children in the world. A large number of them are between the age group of 6 to 14 years. The framers of the Indian constitution regarded children as the assets and future of the nation. As such, the constitution of India incorporated a number of provisions guaranteeing rights for children. A number of legal provisions were enacted to protect the rights of children in the country, besides being a signatory member of the Convention on the Rights of the Child, 1989.

**(A) Constitutional Provisions Guaranteeing Child Rights in India:**

The constitution of India enshrined the following articles in the Fundamental Rights and Directive Principles of State Policy to protect the rights of children:

1. **Article 14,** guarantees right to equality in every aspect including the right to equality before law. The Article clearly states that no one shall be discriminated on the basis of caste, creed, colour, sex, gender, religion or place of birth.
2. **Article 15,** provides right against discriminations and everyone should have equal opportunity to use public places including public parks, wells, museums, bathing ghats, temples etc.
3. **Article 15,** the Article provides that no person shall be denied of his life and other personal liberties, except when one violates liberty and commits a crime.
4. **Article 21A**, provided for the right to education to all children between the age group of 6-14 years of children. This Article was incorporated by the 89th Constitutional Act, 2009 which provided for compulsory free education for this age group children.
5. **Article 23,** by inserting this Article, the constitution sought to protect children from being trafficked and forced into bonded labour.
6. **Article 24,** the Article provides that children should not be employed till the age of 14 years in any hazardous occupations like in factory and mines.
7. **Article 39(e),** the Article incorporated in the Directive Principle of State Policy by which the rights to be protected from being abused and forced by economic necessity to appoint in occupations unacceptable to their age or strength. Besides, the Article openly directs the states to frame policies keeping in mind the tender age of children does not get abused.
8. **Article 39(f),** the Article provide right to equal opportunity and facilities to develop in a healthy manner and also in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation. Apart from that, the Article provides for the child against moral and material desertion.

**(B) Legal Provisions for Protecting Child Rights in India:**

The legal provisions to protect child rights constitute a number of Acts enacted during the British period and post independent period. We may focus on some of the following important legal provisions as follows:

**(1) The Child Marriage Restraint Act, 1929,** the Act was passed on 28th September 1929 by the British Government and came into force on 1st April, 1930. By this Act the marriage age for boys was fixed at 21 and girls 18 years. The main objective of this Act was to prevent the child marriage below this age and declared the violation of this Act is a punishable offence.

**(2) The Factory Act, 1948,** is related to the health of the workers. This Act came into force on April 1949.

**(3)The Women and Children’s Institutions (Licensing) Act 1956,** the Act was enacted in 1956 in order to protect the women and children from exploitation and inhuman conditions prevailing in various institutions.

**(4)The Hindu Adoption and Maintenance Act 1956**, by this Act an adoption is considered valid if it can meet the conditions like the adopter must be a Hindu, he should be capable of maintaining the adopted child, and the child should be capable of being adopted and so on.

**(5) The Mines Amendment Act, 1983,** the Act strive to protect the child by regulating labour and safety rules in mines. For example, the Act restricted the employment of children below 18 years of age in mines.

**(6) The Child Labour (Prohibition and Regulation) Act 1986,** the Act was enacted in 1986 by the Government of India which restricted the engagement of children in hazardous works and regulated the working conditions in different workplace.

**(7) The Immoral Traffic (Prevention) Act 1986,** the Act was enacted in 1986 and tries to restrict and wipe out prostitution in India. By this Act the practice of child prostitution was sought to abolish from the society. However, the Act did not declare prostitution illegal.

**(8)The Juvenile Justice Act 2000,** the Act tries to protect and rehabilitate the children in the framework of juvenile justice system in the country. Besides, it provides fair and adequate rehabilitation for the children found involved in criminal cases.

**Various factors violating Child Rights in India**:

In India, the children rights violations takes place in multiple ways .In fact, there are number of factors responsible for the violation of child rights in the country. Some of them may be discussed as follows-

**1. Child Trafficking:** Child trafficking is considered a major cause of violating child’s in India. The National Crime Bureau Data reported that a child disappears in every eight minutes in India. India has become a hub and transit point for children trafficking via Nepal and Bangladesh. The trafficked children are engaged in forced labour to work as factory workers, domestic workers, and agricultural servants or engage in sexual activities. The following three reasons have been identified for child trafficking in India-

1. Because of rampant poverty and lack of opportunity many parents sell their children for merely a handful of rupees.
2. Child trafficking is a highly profitable illegal business, which has buyers from across the world. It is the third most profitable organized crime business generating billion dollars annually.
3. Vulnerability of the child and lack of proper execution of child rights laws.

**2. Sexual Violence against Children:** Sexual violence is another factor contributing violations of child rights in the country. Most of the child sexual abuse related incidents goes unreported and unaddressed when it involves family members or by the people in institutions such as school or government homes, due to classic family structure practiced in India. Moreover, sexually abused child also tends to keep quiet about these incidences. The greatest number of such cases takes place in the states of UP, Bihar, Assam, Andhra Pradesh and in Delhi. The WHO in its Global Health Estimates in 2014, revealed that 1 in 3 adolescent girls between 15 to 19 years experience violence physical, sexual or emotional in India. According to UN Special Rapporteur on Violence Against Women that there has been a 336 per cent increase of child rape cases from 2001 to 2011.

**3. Child Labour:** Child labour obviously refers to engagement of children in labour intensive profession. In India, it is not rare to find thousands of children toiling in the working field for 14 to 16 hours a day. Child labourers mostly found working in the factories like stone cutting sector, mining industry, carpet making in embroidery factories, glass blowing sector, fire work making etc. This is being worsened by the arrival of multinational companies in India to exploit the children due to the lack of proper labour laws in the country. According to a Report by the US Development of Labour 2015 that a list of goods produced by child labour or forced labour featured India among 74 countries with ‘stratified incidence of critical working conditions.’

 It is said that poverty and over population are the two major factor contributor of child labour in India. Apart from that, the forced displacement caused by development projects, migration to urban areas, farmer’s suicide and armed conflict are the other causes of child labour in India. These causes often being results in exploited and bonded child labour in the form of slavery. Thus, child labour is harmful to the mental and physical development of the child.

 It is to be mentioned here that the recent legislation regarding child labour has been unfavourable, with permission to children below 14 years of age to work in family enterprises or entertainment industry. This still includes scope of abuse, especially considering that India is a home to the largest child labour population in the world.

**4.** **Child Marriage:** Child marriage is a horrendous human rights violation. It impedes children’s development, depriving of their education, health and their future. It presents a risk to the health of young girls. Since they are too young to have sexual relation and withstand a pregnancy, they often die while giving birth or else survive with serious health problems.

 In India, child marriage remains a customary ancestral practice and continues despite forbidden by laws. Because of this, India is ranked second in child marriages in South Asia after Bangladesh. India alone accounts for one third of married children. According to the UNICEF Report, 2015 that birth rate among adolescents is thirty nine per cent (39%) in India. The ill-practice is very much prevalent in the rural areas especially in Madhya Pradesh, Uttar Pradesh, Rajasthan, Chhattisgarh, Bihar and Andhra Pradesh, where 47% girls are married before the age of 18 years. Thus, child marriage is an alarming situation for which solution must be found and measures should be taken for complete eradication of this practice from our society.

**5**. **Discrimination against Girl Child:**  There is an old saying that ‘bringing up a daughter is like watering a plant in another’s courtyard’. This clearly implies that there is rampant gender discrimination in our society. Girl children are deeply influenced by the myth of female inferiority. Even at birth, India’s masses prefer a boy over a girl. Girl child are neglected most often and it occurs when they are not given enough attention, food, cloth, and education or recreation time in comparison to a boy child. Despite high female literacy rate, Delhi, Gujrat and Rajasthan still showed discrimination against girl child. Thus, depriving a child of their basic rights, just because she is a girl, is a gross violation of child rights.

**6**. **Child Prostitution:** This is another vital issue connected with violations of child rights. A few sociologists opined that the religious cause is to some extent responsible for its practice. For instance, the genesis of child prostitution can be trace back to the ancient religious practice of *Devadasi* system. According to this system the young girls are married to God and she becomes a religious prostitute. Apart from that, acute poverty compels some parents to sell their girls in brothels.

**7. Corporal Punishment:** The corporal punishment is also sheer violation of child rights. It mainly refers to physical punishment to children in schools or at home. Such punishment or torture includes canning, beating, thrashing etc. Punishments in schools like kneel down, standing for hours**,** slapping or twisting ears etc. comes under the coverage of corporal punishment. Social Psychologist is of the opinion that the physical punishment may adversely affect the mental health of a child and goes against the dignity of the children and violation of their inherent human rights.

Problem of Child Labour in India: A social Curse

The problem of child labour is a serious concern not only India but also in other developing countries. It is a social malice that snatches the most innocent phase of human life i.e., childhood. It denotes the employment of children in economic activities that suppress their dignity. Children below 14 years of age are forced to do labour and working in extreme hazardous conditions and paid a penny amount as wages for their tireless long hours of work.

 The problem of child labour is a growing social problem in India. More sadly, India is the home to the largest number of child labours in the world. It is a curse for a country like India where over 12 million children are engaged in various economic activities. Among them some children are working extreme hazardous conditions in various sectors such as fireworks, chemical processing units, coal mining etc. Apart from these, a large number of children are engaged in domestic services often hidden from the public eye. It is estimated that there are 15.5 million child domestic workers worldwide and 19 per cent of them work as domestic helper in India.

 Children, mostly girls, are working as domestic labourers are most often compelled to work without food and meagre wages. There are numerous cases of physical, sexual and mental abuse of child domestic workers. According to HAQ Centre for Child Rights, the number of child labours is highest among lower castes and minority children.

 Again, children are being kidnapped and sold in the market as commodities. A massive child trafficking racket is operative all over India. Children are abducted and supplied for various reasons such as labour, beggary and sexual exploitation. A plenty of children are going missing every year in India and most of them are never found or traced out.

**Major causes:** Following factors are identified to the rapid growth of child labour in India-

* Acute poverty and lack of social security are the main causes of child labour in India.
* Another vital cause of child labour is the ever swelling gap between the rich and the poor, privatization of basic services and the neo-liberal economic policies which lead to unemployment.
* Advent of Multinational Corporation without proper mechanism which prefers employment of child worker is another factor of child labour in India.
* Lack of quality modern education has also forced children to drop out of school and to enter the labour force. This adversely affects children more than any other cause.
* In India, another concern is that the actual number of child labourer goes undetected. Laws that are meant to protect children from hazardous labour are ineffective and not executed properly.

**Eradication of Child Labour:** The child labour has become a social curse that really hampers the nation building process in India. The Government of India has taken a number of steps to eradicate child labour in India. Accordingly, a national policy on child labour was formulated in 1987. However, considering it as a necessary evil, the Government of India on May 2015, made an amendment to the child labour law, allowing children below 14 years of age to work only in domestic enterprises or in entertainment industry. The Amendment also make it clear that children below 14 to 18 years age will not be allowed to work in hazardous industries. Besides Governmental steps, the efforts made by various voluntary organisations and the common people, the overall child labours rate has declined to a large extent.

* Despite all these initiatives, it is not possible to eradicate the evils of child labour in India. In fact, long term measures to alleviate poverty and illiteracy, create enormous job and self-help opportunities, agricultural development and compulsory primary education are to be taken to combat the menace of child labour effectively.
* High levels of corruption, inefficiency in law, red-tapism, administrative deficiency and lack of political will always hinder the effective implementation of Government policies in this regard. These barriers should be removed without further delay.
* The persistence of child labour cannot be controlled only through Government legislation. All-round awareness and co-operation from the society is utmost necessary when people must stand up and support various movements and policies against child labour.
* Various voluntary organisations and independent movements like Bachpan Bachao Andolan (BBA) and Save the Children (India) should be involved to end child labour in the country. For instance, since 1980, the BBA has rescued 85,042 children from bonded labour and slavery till April, 2016.

Thus, the problem of child labour becomes the sources of various other socio-economic problems like poverty, malnutrition, illiteracy in the country. This stigma should be wiped out to make India a safe place for children.

\*\*\*