

"To Prevent Persecution - Need For Amendment of Laws With Respect To Child Rights"

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ABSTRACT

Human rights are the "rights and freedom to which all humans are entitled". These are the rights that are vested in every person by virtue of his/her being a human. All human beings have human rights. It is not a static or fixed concept, but is constantly evolving or changing. It is like a seed, which, once planted, grows slowly and steadily, putting out roots, shoots, branches, leaves and fruits. In our country we see, hear and read of children dying of starvation, while food in our granaries rots and feeds rats. Female sex ratio is declining; little children are married off, flouting all laws. In ternational Conventions and Indian Constitution has recognized certain basic rights of the child. The main issue is implementation of these rights. India is fast becoming one of the major countries plagued with evils like child trafficking and child labor. "Education promotes equality and lifts people out of poverty. It teaches children how to become good citizens. Education is not just for a privileged few, it is for everyone. It is a fundamental human right".-Ban Ki-Moon Article states that "the state shall provide free and compulsory education to all children of the age of 6 to 14 years in such a manner as the state, by law, may determine." Moreover, there is Article 39 which states that "the state shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the children at such a tender age are not abused and that citizens are not forced by economic necessity to enter avocation unsuited to their age or strength."

KEYWORDS: Child Labour: The Indian Scenario, Impact of Child Exploitation, National Commission for protection of Child rights, Recommendations.

I. INRTODUCTION

Human rights are the rights that are vested in every person by virtue of his/her being a human. All human beings have human rights. It is not a static or fixed concept, but is constantly evolving or changing. It is like a seed, which, once planted, grows slowly and steadily, putting out roots, shoots, branches, leaves and fruits. In our country we see, hear and read of children dying of starvation, while food in our granaries rots and feeds rats. Female sex ratio is declining; little children are married off, flouting all laws. Little ones are sacrificed, trafficked and sold, while others are locked, abused, sodomised; the list is endless. This is not just the tip of the iceberg, but still we remain mute spectators. Violation of children's rights is not limited to the poor and downtrodden. They happen in middle class, as well as elite class, where the silence around these incidents is even deeper. It is universally accepted that children are one of the most vulnerable groups of humanity and, therefore, need extra protection. This extra protection has emerged in the form of a well developed system of rights. The need to have separate rights for children was felt after the Second World War when many children were orphaned or disabled due to the war and were in need of special protection. Those working with children felt that the existing system was not sufficient to deal comprehensively with the needs of the children. Thus, the UN Convention on the Rights of the Child brought all the rights of the children within one document for the very first time in history. The single most important principle, on which the rights of the children are based, is the 'best interest principle', which means any action taken with regard to a child must be in his/ her best interest. The Convention on the Rights of the Child defines basic rights of children covering multiple needs and issues.

Child Labour: The Indian Scenario : The Indian government ratified the UN Convention on the Rights of the Child in 1992 and introduced various pieces of legislation to curb child labor.

The Labor Ministry of India has imposed a ban on children under age of 14 from working as domestic help in hotels. Under this law any employment of children under 14 will invite imprisonment up to two years and a fine of Rupees twenty thousand. India has also banned employment of children in hazardous industries including the manufacture of fire crackers, carpet making, glass making etc. under Child Labor Act, 2002. However, although India has the second largest child population in the world, there is no single unified separate legislation to deal with all the offences against children. Therefore, it is high time India introduced an all encompassing common legislation to safeguard the rights of a child.

Impact of Child Exploitation : Employing children for labor is an act that endangers a child's physical/emotional health and development without giving the child an opportunity of good education, food and shelter. Of the four major types of child abuses, physical, sexual, emotional and neglect, child labor falls under neglect exploitation and emotional abuse. Child labor is the exploitation of children for commercial reasons. Neglect is a different concept of exploitation and constitutes a failure to provide for a child's basic need. The forms of neglect include physical, educational and emotional. Physical neglect includes inadequate provision of food, housing and clothing, denial of medical care and inadequate hygiene. Educational neglect is the failure to enrol a child at a mandatory school age in school. Emotional neglect is the lack of emotional support such as the failure to provide psychological care, domestic violence and allowing a child to participate in drugs and alcohol abuse. A child worker becomes alienated from the rest of the family, has low self esteem, and is likely to engage in self destructive behavior. He or she is likely to have impaired psychological development and develop anti social behavior including lying and living with fear complex.

National Commission for protection of Child Rights : The National Commission for the Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission's mandate to ensure that all laws, policies, programs and administrative mechanisms were in consonance with the child rights' perspectives as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Childhood across the world, has broadly been construed in terms of a 'golden age' that is synonymous with innocence, freedom, joy, play and the like. What makes a person 'child' is the person's age, even if the person is under the age of 18 years, or, is married and has children of his/her own, s/he will be treated as child. Children's rights are defined in various ways, and are inclusive of a wide spectrum of civil, cultural, economic, social and political rights. Rights tend to be of two general types, those advocating for children as autonomous persons under the law and those placing a claim on society for protection from harm perpetrated on children because of their dependency. These have been labeled as the right of empowerment and the right of protection.

II. CONCLUSION & RECOMMENDATION

According to the International Labor Organization (ILO), whole new generations of children are being deprived of the chance to take their rightful place in the society and economy of the 21st century. The ILO has proposed that 'child labor' will disappear in a decade. But in reality the situation is alarming and in fact, one in every eight children in the world is exposed to the worst forms of child labor which endanger children's physical, mental health and moral well being. Though there are clear provisions in our Constitution to safeguard the interest of children by ensuring that they receive education and are not forced to work for a living, it is unfortunate that the problem of child labor exists at a large extent in our country.

1. In every case of violence against children, the respective Education Department/Board has to conduct a parallel investigation. The PTA has to be involved in such an investigation.
2. In any case of child sexual abuse, if the parent withdraws the case, the Government must take cognizance of the offence and proceed without harming the child and taking strict action against the accused.
3. Whenever a child has made a statement of discrimination, a case needs to be booked under the SC/ST (POA) Act.
4. The Child Welfare Committees in each district have to be supported and strengthened to protect children's welfare.

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