



VULNERABLE GROUP CHILD'S HUMAN RIGHTS PROTECTION WITH SPECIAL REFERENCE TO THE ASSAM HUMAN RIGHTS COMMISSION



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ABSTRACT

Childs are the future of a nation. But unfortunately their human rights are very frequently violated in the society because they are vulnerable group. In order to protect the human rights of the child there are a lots of conventions, treaties, acts and commissions at the international, national and state levels. In Assam the ASSAM HUMAN RIGHTS COMMISSION is such a commission.

The study attempted to find out the types of violence against the child and the activities done by the A.H.R.C. to protect the human rights of the vulnerable group child in Assam. The research method and data used in this study is analytical method and secondary data respectively. Total 12 cases are found as reliable and suitable data (2014-2017) for the study. Major findings of this study are: negligence of the doctor, kidnapped, and killed by the terrorist are the type of violence against child and the commission has done their activities within their own jurisdiction to protect the child rights.

KEYWORDS: Human Rights, vulnerable group child, A.H.R.C.

INTRODUCTION-

Human Rights mean those rights which are inalienable and inherent rights as well as most essential for human being. "Human rights are the rights which are possessed by every human being, irrespective of his or her nationality, race, religion, sex, etc. simply because he or she is a human being."¹ In this way human rights mean certain rights without those rights we cannot live as human beings.

There are some kind of groups in the human society which are weak and vulnerable because of deep rooted customs and nature. One such vulnerable group is child. Since they are weak their human rights are very frequently violated by the dominant section of the society.²

To protect the human rights of the vulnerable group child, there are a lot of conventions, institutions and acts in international, national and state levels. In the state of Assam one such state commission was set up under section 21(1) of the protection of Human Rights Act 1993, the Assam Governor, on 19 March 1996, vide notification no. PLA, 362/94/51, constituted a body that is known as ASSAM HUMAN RIGHTS COMMISSION (A.H.R.C.) to protect the human rights of the people of Assam. The headquarters of the commission is at Bhangaghar in Guwahati. The A.H.R.C. has done a lot to protect the human rights of the vulnerable group child.

OBJECTIVES OF THE STUDY:

1. To study the activities, done by the A.H.R.C. to protect the human rights of the vulnerable group child in Assam.
2. To study the causes for the violation of the human rights of the vulnerable group child in Assam.
3. To study the nature of the cases whether on it is complaint or suo moto.

DELIMITATION OF THE STUDY:

1. The present study is delimited to the human rights of the vulnerable group child.
2. The study is delimited to the state of Assam.

AREA OF THE STUDY:

Assam is located in the North East of India. The state shares its boundaries with Arunachal Pradesh in the North, Nagaland and Manipur in the east, Mizoram and Meghalaya in the south, Tripura and West Bengal in the west. The state shares international borders with Bangladesh in southwest and the Kingdom of Bhutan in the Northwest.

Assam is a multi linguistic, multi cultural, multi religious state. There are different caste people like Assamese, Bengali, Bihari, Marwari, Nepali, Punjabi and different tribes like Rabha, Bodo, Missing, Dewri, Sonowal and etc live in Assam. But Assamese is majority. According to the 2011 census total population of Assam is 31,169,272 and it occupies 30,285 square miles (78,438 square km).

REVIEW OF RELATED LITERATURE:

HUMAN RIGHTS (Agarwal, 2016)³ analyse the child rights and its implementation procedure. Agarwal discusses the role and functions of the national and state Human Rights commissions to protect the human rights of the vulnerable group child.

HUMAN RIGHTS (Yasin and Upadhyay, 2018)⁴ also narrates the child rights and international efforts to protect the human rights of the vulnerable group child. Child abuse and neglect have been defined as the protection of harm to the child that results from human action or inaction, that is prescribed proximate and preventable.

HUMAN RIGHTS: under International Law and Indian Law (Kapoor, 2017)⁵ describes the Conventions on the Rights of the Child (1989) and the implementation procedure of the convention. Besides this, Kapoor describes the optional protocol to the rights of the child.

HUMAN RIGHTS (Rahman, 2016)⁶ analyse the power, functions and role of the Assam Human Rights Commission to protect the human rights of the people of Assam.

METHODOLOGY:

Research method: In this research analytical research method is used. In analytical research the research has to use facts or information already available, and analyse these to make a critical evaluation of the material.⁷

Data: In this research secondary data are used. These secondary data are collected from the office file of the A.H.R.C. and judgement and order copies of the cases in the commission. I have collected 4 years (2014 – 2017) judgement and order copies of the A.H.R.C. cases; and I get 12 cases relating to the violation of human rights of the vulnerable group child.

ANALYSIS OF THE DATA:

The analysis and interpretation of data is done, according to the objectives formulated, under the following:

1. A.H.R.C. Case No: 275/24/11-12⁸ was a complaint case where cause or type of violence was negligence of the doctor. The commission had inquired the case and disposed of on 05/08/2015.
2. A.H.R.C. Case No: 390/21/12-13⁹ was also a complaint case where cause or type of violence was negligence of the doctor. The commission had inquired the case and disposed of on 09/06/2016.
3. A.H.R.C. Case No: 422/09/12-13¹⁰ was also a complaint case where cause or type of violence was negligence of the doctor. The commission had inquired the case and disposed of on 18/02/2015.
4. A.H.R.C. Case No: 432/05/12-13¹¹ was a suo moto case where cause or type of violence was wrong treatment of the doctor. The commission had inquired the case and disposed of on 28/05/2014.

5. A.H.R.C. Case No: 669/24/12-13¹² was also a complaint case where cause or type of violence was harassment for love. The commission had inquired the case and disposed of on 19/05/2014.
6. A.H.R.C. Case No: 711/16/13-14¹³ was also a complaint case where cause or type of violence was kidnapped and after marriage. The commission had inquired the case and disposed of on 26/05/2014.
7. A.H.R.C. Case No: 1054/03/14-15¹⁴ was a suo moto case where cause or type of violence was negligence of the hospital. The commission had inquired the case and disposed of on 26/08/2015.
8. A.H.R.C. Case No: 1106/15/14-15¹⁵ was also a complaint case where cause or type of violence was negligence of the hospital. The commission had inquired the case and disposed of on 07/04/2015.
9. A.H.R.C. Case No: 1111/01/14-15¹⁶ was also a complaint case where cause or type of violence was negligence of the doctor. The commission had inquired the case and disposed of on 02/06/2016.
10. A.H.R.C. Case No: 1127/27/14-15¹⁷ was also a complaint case where cause or type of violence was brutally killed by the terrorist. The commission had inquired the case and disposed of on 20/10/2014.
11. A.H.R.C. Case No: 1186/08/14-15¹⁸ was also a complaint case where cause or type of violence was outraged the modesty. The commission had inquired the case and disposed of on 19/05/2015.
12. A.H.R.C. Case No: 1681/08/16-17¹⁹ was also a complaint case where cause or type of violence was kidnapped. The commission had inquired the case and disposed of on 31/08/2016.

FINDINGS OF THE STUDY:

1. The study reveals that the commission has done all their activities i.e. inquiry, suo moto or on a petition presented to it by a victim or any person on behalf into complaint of violation of human rights of the vulnerable group child; or negligence in the prevention of such violation by a public servant.
2. The study exposes some causes for the violation of human rights of the vulnerable group child in Assam. These are as follow:
 - a. Negligence of the Doctor in hospital,
 - b. Wrong treatment of the Doctor,
 - c. Harassment for love,
 - d. Kidnapped and child marriage,
 - e. Brutally killed by the terrorist,
 - f. Outraged the modesty,
3. The analysis of the data reveals that the nature of the cases is both i.e. complaint and suo moto. Out of 12 cases only two are suo moto and all remaining 10 are complaint.
4. The study reveals that sometimes the commission has faced a problem to protect the human rights of the vulnerable group child due to lack of enforcing power. The state commission itself is basically a powerless body. It is a toothless tiger created by the act with all legislative wisdom as the same is evident from the provisions of the law (section 2 d of the act) itself. The act does not vest any enforcing and executing power to the state Commission.

RECOMMENDATION:

The A.H.R.C. should be vested more and more enforcing power, and then it can easily able to protect the human rights of the vulnerable group child.

Some events regarding the violation of child rights are not come under the A.H.R.C., because they don't know about the commission. So, the commission should organise an awareness programme regarding the human rights.

CONCLUSION:

Child is the future of a Nation. So, we should protect the human rights of the child. Child should be grow up in a family environment of love and passionate. When all men and women will respect the child then their human rights will be protected. If someone violates the human rights of the child then they should

be given heavy punishment. To give them punishment it is essential to vest more enforcing power to the A.H.R.C.

REFERENCES:

1. Dr. S. K. Kapoor, *Human Rights: under International Law & Indian Law* (Allahabad: Central Law Agency, 2017), 1.
2. Dr. H. O. Agarwal, *Human Rights* (Allahabad: Central Law Publication, 2016), 110.
3. Agarwal, *Human Rights*, 317-338.
4. Adil-ul-yasin and Archana Upadhayay, *Human Rights*, (New Delhi: Akansha Publishing House, 2018), 90-94.
5. Kapoor, *Human Rights*, 166-178.
6. Dr. Adidur Rahman, *Human Rights*, (Guwahati: Ashok Publication, 2016), 252-261.
7. C. R. Kothari, *Research Methodology: Methods & Techniques* (New Delhi, New Age International Publishers, 2007), 3.
8. [2015] A.H.R.C. 275/24/11-12.
9. [2016] A.H.R.C. 390/21/12-13.
10. [2015] A.H.R.C. 422/09/12-13.
11. [2014] A.H.R.C. 432/05/12-13.
12. [2014] A.H.R.C. 669/24/12-13.
13. [2014] A.H.R.C. 711/16/13-14.
14. [2015] A.H.R.C. 1054/03/14-15.
15. [2015] A.H.R.C. 1106/15/14-15.
16. [2016] A.H.R.C. 1111/01/14-15.
17. [2014] A.H.R.C. 1127/27/14-15.
18. [2015] A.H.R.C. 1186/08/14-15.
19. [2016] A.H.R.C. 1681/08/16-17.