



## CHILD RIGHTS VIOLATION AND PROTECTIVE MEASURES: A STUDY OF CHILDREN IN INDIA

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### ABSTRACT

Child rights and protection are guaranteed in the Constitution of India. Articles 14, 15, 19(1)(a), 21, and 23 include children in their rights to equality, protection from discrimination, freedom of speech and expression, protection of life and liberty, and prohibition of trafficking and forced labour respectively. Some sections of the Constitution also target children specifically. Article 21A calls for free and compulsory education for all children between the ages of 6 and 14. Article 24 prohibits employment of children in hazardous occupations. Finally, Article 39 mandates that state policy aim to prevent citizens from being “forced by economic necessity to enter vocations unsuited to their age or strength” and to protect their health and strength from abuse.



*It further stipulates that state policy should ensure “that children are given opportunities and facilities to develop in a health manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.” Indeed, the Constitution of India commits the government to the wellbeing, development, and protection of all children.*

**KEYWORDS :** Social, economic, Religious, Cultural, and Political life.

### INTRODUCTION

#### GOVERNMENT OF INDIA AND CHILD RIGHTS :

In 1992, India became signatory to the United Nations Convention on the Rights of the Child (CRC), thereby committing to the international definition of child rights and to the realization of those rights for all children in India. As outlined by the CRC, the rights of the child are guided by the principles of non-discrimination and “adherence to the best interests of the child.” The CRC groups child rights into three categories: survival and development rights (which consist of rights to food, shelter, clean water, education, health care, leisure, cultural activities, and information about rights), protection rights (namely protection from all forms of child abuse, neglect, exploitation, and cruelty), and participation rights (freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural, and political life; right to information; and freedom of association).

India created legislation, policies, and schemes to ensure the CRC's list of rights for all children in India. In addition to a number of laws passed prior to the CRC ratification such as the amended Immoral Traffic Prevention Act (1956, amended in 1986), the Juvenile Justice Act (1986), and the Child Labour (Prohibition and Regulation) Act (1986), India re-enacted the Juvenile Justice Act (2000) and legislated the Prohibition of Child Marriage Act (2006), the Right to Education Act (2010), and the Protection of Children from Sexual Offences Act (2012). The Right to Education Act (RTE) was passed to make the constitutional mandate to have every child between ages 6 and 14 attending school a reality. The government has expanded the National Child Labour Project (1988) to reach more child workers with its rehabilitation and education programs. India also collaborated with the United States to create the Indo-US Child Labour Project (2000), which combines rescue and rehabilitation of child labourers with income generation for their families. The National Charter for Children (2004) and the National Plan of Action for Children (2005) seek to provide for the healthy development of children, free from discrimination and harm. The government created the National Commission for the Protection of Child Rights in 2007 to try in court those who violate child rights. To protect children from abuse, the Integrated Child Protection Scheme was launched in 2009. India has also continued to work for nutrition and health of small children through its Integrated Child Development Services since 1975.

#### **OBJECTIVES OF THE STUDY :**

- To study the Nature of violation of child rights in India.
- To highlight the protective measures for safeguarding child right in India.
- To throw light on conditions of children in India.

#### **METHODOLOGY :**

Present study has been conducted by using secondary method of data collection such as books journals and reports. Descriptive and analytical Research design and has been used to analyze and describe the data. Present study focuses on violation of child rights in India and its protective measures. At the end of the study conclusions has been drawn by analyzing the data on the basis of objectives.

#### **THE STATE OF CHILD RIGHTS IN INDIA :**

Despite the government's efforts, reports such as the 2007 Study on Child Abuse by the Ministry of Women and Child Development (MWCD) find that many children still suffer from abuse. These abuses include not only physical, sexual, and emotional abuse, but also poor education and health, hazardous employment, early marriage, and discrimination.

#### **SURVIVAL AND DEVELOPMENT :**

Even the most basic rights of survival and development are not guaranteed for all Indian children. Every year, 2.5 million children die in India, "with girls being 50% more likely to die". The mortality rate for children under five is 74 for every 1000 children. The rate is higher in rural areas and for children born to teenagers or to parents with little education or wealth.

#### **UNHEALTHINESS :**

Lack of healthy sustenance keeps on influencing a huge number of kids. A big part of babies have "decreased learning limit because of iodine deficiency". Half of Indian youngsters are underweight and 3/4 are frail. 15.7% of youngsters under five are harshly underweight and 23.5% are seriously hindered. Youngsters in

country territories or with guardians who have restricted schooling or abundance are bound to experience the ill effects of lack of healthy sustenance.

### ADMITTANCE TO WATER :

As per UNICEF, 18% of Indian kids need admittance to an improved source of drinking water. Just 69% (79% in rustic regions) of kids approached improved sterilization offices in 2008.

### SCHOOLING :

While 96% of kids ages 6-14 are joined up with school, the essential and primary school drop-out rates are 26% and 45% separately. Booked Caste and Planned Tribe youngsters in classes 1-5 drop out at a pace of 32%. For youngsters in classes 1-8, drop-out rates increment to 52.6% for SC youngsters and 63.4% for ST children.viii In metropolitan territories, young ladies and young men go to class at comparable rates, however in provincial regions, the difference is critical at the optional level, with just 40% of young ladies in participation contrasted with 54.7% of young men. A portion of the fundamental reasons that young ladies drop out are the expense of tutoring and family work. Taken together, "over portion of India" s youngsters are either not joining in school or exiting before class eight" .

In any event, for those youngsters who keep on going to class, the nature of instruction for numerous understudies is poor to such an extent that it can't be said that their entitlement to instruction is satisfied. Most school-going kids go to government schools, which are incredibly packed. In certain states, the normal government school has 1 instructor for each 60 understudies. 20% of educators in government grade schools don't have the vital requisites.xii Furthermore, whenever during school hours, 25% of government school educators are missing from work. Just half of educators who are available busy working are really teaching.xiii Whether youngsters are in school or not, the absence of training gave to them is reason to get excited.

### ESSENTIAL MEDICAL CARE :

Numerous kids in India actually don't approach essential medical services. 27.6% of assigned zones are not yet covered by an Aganwadi Training Center. 56% of kids under two are not completely immunized. The number jumps to 61.4% for country territories. There is a little uniqueness among young ladies and young men – 45.3% of all young men are completely immunized while just 41.5% of young ladies are inoculated. At the point when youngsters become sick, they are more averse to get treatment on the off chance that they live in rustic regions or if their folks are poor. Young ladies are likewise somewhat less liable to get treatment than young men. For instance, of kids under five who have had intense respiratory diseases, 71.7% of young men were taken for therapy contrasted with as it were 65.8% of young ladies. Also, numerous guardians need data about appropriate medical care for their kids. At the point when a kid has looseness of the bowels, 37% of guardians give the youngster less liquids, contrasted with just 10.2% of guardians effectively giving the kid more liquids.

### ASSURANCE RIGHTS IN INDIA :

#### Actual maltreatment

The MWCD's 2007 youngster misuse report uncovers that by far most of kids are beaten by their folks, educators, and different grown-ups answerable for their prosperity. In all out, 69% of kids face actual maltreatment, with marginally higher rates for young men than for young ladies. In portion of the instances of actual maltreatment in the home, the beatings come from moms. In 37% of cases, the dads incur misuse. Kids are no more secure in establishments, where 56% of kids are beaten by the staff. 70% of kids who are in establishments for being in struggle with the law are beaten and 53% of kids in establishments for insurance and

care are beaten. In schools, 65% of understudies are beaten.<sup>xv</sup> Childline India Foundation discovered that flogging is drilled in 95% of 200 schools examined, including 94% of government schools and 96% of private schools.<sup>xvi</sup> Sometimes, businesses and NGO laborers additionally beat kids. 15% of mishandled kids experienced actual maltreatment so extreme that it caused growing, dying, scarring, or other genuine injuries.<sup>xvii</sup> Despite the enactment against it, actual maltreatment of youngsters endures, to some degree since half of grown-ups accept that actual discipline is important to train youngsters, as indicated by the MWCD kid misuse report.

### CIVIL SOCIETY INTERVENTIONS :

Common society bunches have been at the cutting edge in endeavors to ensure kid rights in India, both through direct mediation and dynamic backing. A considerable lot of these endeavors have been on safeguarding kids from constrained work, giving them instructive openings, backing to road kids, working with youngsters who have been dealt for sex work or for other work, saving and supporting youngsters confronting physical and sexual maltreatment, etc. Independently there have been endeavors to improve instructive status furthermore, dropout rates with an emphasis on the young lady youngster. Projects for young people have been presented conceptive wellbeing and sexuality instruction in schools and in local area based clubs/gatherings. Backing endeavors have been centered around getting the state to all things considered actualize existing laws and strategy arrangements or to outline new ones, and two later models incorporate the Constitutional correction for including Right to schooling as a protected right and law on youngster sex misuse. Common society has likewise been a functioning accomplice in creating and actualizing huge scope government upheld intercessions one model being „Childline“ a phone helpline for youngster insurance which is working the nation over.

### CONCLUSION :

At the end of the study it has been concluded that present study focuses on the severity of the violation of the child right in India and highlights its nature such as survival and development, unhealthiness, admittance of water, schooling, medical care, and maltreatment. Present studies also throws light on protective measures for the protection of child right in India and turn the attention of Research scholars towards the seriousness of child right issue.

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