



## Protecting Child Rights - A way to human rights

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### Abstract:

It is wonderful event that we got a birth as a human being, but it is necessary that a human should have proud of being a human. For this, it is seen that human rights are discussed continuously at the national and global levels. A human gets some rights by getting birth as a human, so in this way the talk of human rights is as old as the birth of the humans. In all the social systems, a human has expectations for own self, family members and friends' care, development and happiness. For these expectations she/he wants co-operation from society and other components. A human feels insecurity or poor and becomes victim of exploitation and tyranny, when he fails to fulfill these expectations because of the pressure of society, politics and tyranny of natural force. So, to overcome from this, human rights are necessary.

Children are the future of any society nation. It is nation's duty and necessary to give children enough opportunity for their development. Because nation's future is depended on children's growth and development and nation's tomorrow should be developing by giving children games, joy, education, balanced diet, pure environment etc.

'Today's child is a creator of tomorrow's nation.' Before the talk of Human Rights, we have to talk about the child rights. If a child will not develop, then how will we talk about the development of a human? Thus, the ultimate goal of human right is to develop human in each field. Some institutes have noted their contribution for the child right, under it; we should try to develop a child physically, mentally, socially, religiously and about education.

**Keywords:** Child Rights, human rights

**1. Introduction:** - It is wonderful event that we got a birth as a human being, but it is necessary that a human should have proud of being a human. For this, it is seen that human rights are discussed continuously at the national and global levels. A human gets some rights by getting birth as a human, so in this way the talk of human rights is as old as the birth of the humans. In all the social systems, a human has expectations for own self, family members and friends' care, development and happiness. For these expectations she/he wants co-operation from society and other components. A human feels insecurity or poor and becomes victim of exploitation and tyranny, when he fails to fulfill these expectations because of the pressure of society, politics and tyranny of natural force. So, to overcome from this, human rights are necessary. Children are the

future of any society nation. It is nation's duty and necessary to give children enough opportunity for their development. Because nation's future is depended on children's growth and development and nation's tomorrow should be developing by giving children games, joy, education, balanced diet, pure environment etc.

## **2. What is a child?**

“Child means that person who is under the age of 18, who is not an adult and on whom law and rules cannot be imposed.”

United Nation's Child Right Agreement Act-1

‘The person under the age of 14 is considered as a child’. Minimum Age Act (2B-b)

The person under the age of 15 and 16 is considered as a child. (Children act, factory act)

Child is a symbol of love in the couple. Child is an important component of family. Generally, an infant gradually develops physically and mentally to which we say a child. Child's definition differs in different way and accordingly.

## **3. India and Child:**

In the world, China has the highest population, and then comes the number of India. According to the census of 2001, India has the highest number of children. Number of children in various countries of the world is as under

| <b>Country</b> | <b>Number of born children per year</b> |
|----------------|---|
| India          | 180 Lacks                               |
| China          | 130 Lacks                               |
| Indonesia      | 31 lacks                                |
| Pakistan       | 31 lacks                                |
| Bangladesh     | 21 lacks                                |
| America        | 10 lacks                                |
| Japan          | 38 thousand                             |
| Germany        | 08 thousand                             |

**4. Child Rights:** If each person of the society will be healthy economically, socially and mentally, only that citizen will make the society and nation developed. If the child is healthy, then it will make respectively person, society and nation healthy. So it is necessary to develop child's personality from its in faintness. And for this, it is needed to provide them basic and fundamental rights. In the constitution of India, there is a talk of child welfare in the act 15 (3) for the child development. In the act-24, it is prohibited to keep children in labor in dangerous work. In the act-45, it is ordered to the state to provide the children free, compulsory and universal education. In the act-39, it is also ordered to the state to build a policy that each child should have the opportunity to develop healthily and child should get security from the exploitation. In reference to this, we see the state of child, which is very poor and pessimistic. India introduced the national policy for children in 1994. That's meant that our wordiness is

unnatural for child welfare. In 1992, India has signed on the understanding of child rights. The countries which signed on the understanding of child rights have adopted to obey the child rights. The world top conference about child rights was organized in 1990 in New York. In about this proclamation, the following rights are included.

1. Right to Survival
2. Right to Protection
3. Right to Development
4. Right to Participation
5. **Law's shaped for the children's development after the independence of India:**

For the development of the children, special rights and laws are given by the constitution of India. In 1920, 1922 and 1924 respectively Madras, Bengal and Mumbai government made the rights for the security and protection of the children, in 1960. Child Act by Indian government, in 1974 under the child national policy, child's physical, mental development and after the birth is for the resolve of facilities and after the independence of India many laws have built for the development of children, which are as under.

- According to the Indian Punishment Compilation 82, keep free the child under the age of 7 from the punishment.
- According to the Indian Punishment Compilation 125, Right of Maintenance.
- According to Mill (factory) law 1948, Prohibition of child labor.
- According to Act 153, the state is free for child welfare organization (planning).
- According to Act 21, right to freedom.
- According to Act 21, free and compulsory education for children.
- According to Act 23, child labor prohibition.
- According to Act 292, prohibition on to keep away from the admission on the basis of religion caste.
- According to Act 394, to secure child's health and education.
- In 1960, Child Act by Indian government.
- In 1974, Child National Policy.
- In 1975, Child Development Policy.
- In 1979, National Prize Policy for Child Welfare.
- Indian government confirmed by signing on the united National Child Right Agreement for Child's special need and special rights on 11<sup>th</sup> December, 1992.
- Programme of Orphan Children-1997.
- Plus Polio Programme-2000.
- Kishori Shakti Yojna-2000.
- Shiksha Sahyog Yojna-2006.
- Balikakshi Yojna-2006.
- Balvidya Yojna.

Thus, in this ways, it is trying to provide the children the rights by these policies.

#### **6. Child Rights before the birth :**

Generally, one attains rights after getting the birth on the earth. Everyone gets the rights according to his/her status. Status as a woman, status as a man, status as a citizen, according to position, status as senior or tribal caste but in the basis of these statuses of rights, it is all about the existence as a person/human. A person attains each right after getting a birth on the earth, but according to law a child attains some rights before the birth. It gets some rights when it is in the womb of the mother and also before in the womb of the mother. In this way, not born child or remain to get birth child is introduced as a child without body in the words of law. In different laws, these kinds of children are given the following type of rights. According to Indian Punishment Compilation law from 312 to 316 and 318, there are provisions about the children in the womb, which are as under.

~If any person compels a pregnant woman for abortion and a child in a womb gets die or without the consent of a pregnant women compels her for abortion, the person becomes punishable according to Indian Punishment Compilation.

According to Act-318

According to the provision of this act, the person will be punishable, if the person secretly buries the body of child who gets die before, during and after the birth.

#### **7. Provision of law about baby girl who become the victim of violence before the birth :**

There is Sex Determination Act (1994), in this law, according to act-23(8), if a crime is proved, that quality person will be punishable for the imprisonment of 5-years and the charge of Rs.15000.

#### **8. A special provision for a child without body in the matter of punishment:**

According to Indian Punishment Compilation, any woman commit a crime of the punishment of death, and it is ordered to do this punishment, at that time, if a woman is pregnant, the punishment is not in action until the birth of a child.

#### **9. Directions for the child Right Protection Policy:**

- A group unity and responsibility are necessary through which a child can get rights.
- By refusing the child labor, children should be non-exploited.
- Serious attempts should be done to send children to school for education.
- It is necessary for the society to co-operate in obeying the laws built by the government.
- Social awareness, sensibility about child labor, child education by parents, teachers, broadcasters, government and non-government institutes and systematic work for development are needed.
- For the research about child rights, to collect information, to analyses and criticize and then to step for solving it are very necessary.
- The government should take effective steps for factors like poverty, unemployment, traditional business, child labor etc which keep the child away from the child rights.

- The arbitrator should play an effective role in the cases of disobeying of child rights.

#### **10. Conclusion :**

‘Today’s child is a creator of tomorrow’s nation.’ Before the talk of Human Rights, we have to talk about the child rights. If a child will not develop, then how will we talk about the development of a human? Thus, the ultimate goal of human right is to develop human in each field. Some institutes have noted their contribution for the child right, under it; we should try to develop a child physically, mentally, socially, religiously and about education.

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