

CHILD RIGHTS AND THEIR PROBLEMS

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ABSTRACT

In this paper, the author has discussed about the child rights and their problems. We are in the year 2022 and the total number of children in India is 253 million. There are n number of rights available to the children such as the right to health, right to Education, right to life, right to protection, right to identity, etc. to name a few. But not all children are getting their rights. 50% of Indian children who are of 6-18 years of age do not go to school. Why they are not going to school? Why they are doing work that is illegal as per law? What is the current situation of this issue, Health issues, the Effect of Covid19 and How to improve the condition? We are very familiar with all these questions, and inside we know the solution or what some of us are doing for it. We will find the answer to these questions in this paper and I will try to present the current situation of these issues in front of you all via this research paper.

Keywords: Child, Rights, Law.

INTRODUCTION

The right to health, health is very important for every human being in the world. A person in bad health can't live a happy life. Health is the state of physical, mental, and socio-well-being. Right to education, in this right we will study the right of children to free and compulsory education and many more. Around 8 crore children don't go to school in India. The right to life is a very common and important right for all human beings. It is also a fundamental right that governs all other rights. In its absence, all other rights are no reason to exist right to protection, the period of childhood is a phase in which the human being is more vulnerable because they have not finished developing physically or mentally. Furthermore, the child requires particular attention and protection. Every child needs particular. 5 major problems that most children have to face in their life:

- Health issues
- Survival issues

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- Lack of education:
- Child labour
- Violence and abuse:

As I have said that I am writing about children's right and their problems at both the aspects legal and socio in this research paper. Firstly, I will talk about the socio-aspect of the topic.

CHILD POVERTY

Children who are born under the poverty line have to suffer a lot from the beginning to the end of the day from sunrise to sunset. They have to work in small places for food and for surviving their daily life. Their family is also suffering from that they don't have proper jobs and no way of earning and as the result all the members of the family especially the children have to suffer a lot. They don't have proper food to eat not a proper living place. They just live in the hut or near the roadside. Their parents work day and night to feed their children twice a day but in the worse cases, it was very difficult to do that. In that circumstances, the children also need to work for food or healthy living. The common reason of it their parents don't have a job or work to do in most cases their parents work on daily wages, for example, labour work, cleaning, babysitting, driving, etc.



EDUCATION?

Those who are under the poverty line those who don't have anything to eat or not even a living place think they are having very good infrastructure for study or they are in good schools. If they got money firstly, they will go for food or their basic need in life rather than

education. What was the mistake of those children who are not receiving proper education? Nothing, there is no mistake of those children who are not getting the proper education. The mistake is of their parents, society or other ones. Education is very important in today's life and without this life is nothing. If they don't study who will give them the proper job and then how will they survive in the future this cycle continues for a decade. We have to change this. There are many NGOs and other social organizations that are helping those people who need their help.

SURVIVAL ISSUE

What do you know about it? We talk about many things in life how we need to work, study, live, etc. But many of the children are fighting for their survival only. Not only by poverty and all but due to medical issues. Day to day there is numerous disease, infection, and virus we are seeing, presently we are dealing with Covid19. For the last 3 years, we have all been battling this virus. Many of our close ones have lost their life due to this virus. Nowadays there are many vaccines available in the market. The government is giving free vaccines in many states.

But before this many children had lost their parents either their mother or father or both. We will just give them sympathy or hardly we will try to do something for them but whatever these kids are faced with or will face in their future, we don't have any idea about it. We heard or we have seen some newborn children are not able to survive due to medical complications or some issues.

An estimated 2.8 million pregnant women and newborns die every year, or 1 every 11 seconds, mostly of preventable causes, according to new mortality estimates released by UNICEF, the World Health Organization (WHO), the United Nations Population Division, UNFPA and the World Bank Group¹. After birth, some parents leave them in a public place, Why? They are not financially stable or due to some other reason. These things are not new, we all know about these things. These kids just fight for their survival, they don't want anything else just want to live. On the other hand of this paper as we early said there is two part of this paper one is socio and another one is legal. Now we will see some legal aspects of it.

¹ 'Surviving birth: Every 11 seconds, a pregnant woman or newborn dies somewhere around the world' (UNICEF, 19 September 2019) <<https://www.unicef.org/press-releases/surviving-birth-every-11-seconds-pregnant-woman-or-newborn-dies-somewhere-around#:~:text=An%20estimated%202.8%20million%20pregnant,and%20the%20World%20Bank%20Group>> accessed 26 October 2022

Article 14 of the Indian Constitution

It talks about Equality before the law. It is written in the constitution of India there is equality before the law then why many of us are not following this and disobeying the constitution? We need to follow this and for the people who don't follow it, there must be a strict punishment for it.

Article 15 of the Indian Constitution

If a child was born in a local area and belongs under the poverty line and they are living in a muddy area or on Road Street. What we think they are different from us are unhygienic, dirty, poor, etc. We don't easily accept those people in our society unless and until they live in a hygienic society or good place. But in our constitution, it is stated that prohibition of discrimination on grounds of place of birth.

Article 16 of the Indian Constitution ²

It talks about Equality of opportunity in matters of public employment. There is bias and corruption in the field of public employment also. Now the level of it reduces but still, there are some places where these things happen nowadays also. But what if the child doesn't get proper study and their basic need how do they will get a job in these fields and how we are talking about equal opportunity? If, a child doesn't have his/her basic need or doesn't get the opportunity to study how do they will get the opportunity to work? We don't have an exact solution to it. The government has opened many schools but still, many children don't go. The reason is still unknown.

Article 21A of the Indian Constitution³

It talks about the Right to Education. The very important thing in our life. Education is very important for our life just like food or home. Without this life is very difficult, but many of us don't get it this is our fundamental right still many of us don't get this. I have one question for all of us who are reading this. Are we following our Indian constitution truly? Just ask once by yourself whether you are or not.

² Constitution of India 1950, art. 16

³ Constitution of India 1950, art. 21A

CHILD LABOUR

We all are well aware of the fact child labour is a crime, but is everyone follow this rule and regulation?



No, not everyone, in many factories or different places, these children are working not by their own will but each and everyone have their issue some of them are forced to work they don't want to do it but some of their peoples are forcing them to work. Some of the children are working day and night for their families for food. Some are working because their parents want to do this. Different circumstances different places different statements different situations but the common thing is child labour. At the age of going to school and living a happy life, they are doing work in factories, hotels, etc. They also want to live a happy life like other children or want to go to school or want to study but they are not able to do this. Child labour and exploitation are the result of many factors for example:

- Poverty
- Mass migration
- Lack of opportunity
- Social norms etc.

Now we will discuss the problems and the reason behind child labour. The main reason is poverty they have to suffer a lot for their living and food. They don't have a proper place to

live not having food to eat, and the old and used clothes of other people. Their parents don't have much money to give their children a good living environment or proper education and food. Most of them are working on daily wages like labour work, driving housekeeping, or small work. A few of them are working as garbage keepers, they go home to home to collect garbage. Just think of it they don't have money to eat and they give their child a proper education or healthy living.

They want to give their child a good education and healthy living but they also know that they can't do that in this situation. Lack of opportunity, in some cases their parents don't get the opportunity or jobs to do work and in that situation, their children are doing work for their family. In one of the reports of The University of Iowa labour Centre an estimated 215 child labourers on the globe: approximately 114 million (53%) are in Asia and the Pacific; 14 million (7%) live in Latin America, and 65 million (30%) live in sub-Saharan Africa. This is the current statistics/ report of Child labour all around the globe.

Children have to work in hazardous places or very difficult situation example cracker manufacturing factories, mining, quarrying, and child prostitution all of which are illegal in the eyes of law. There is strict punishment for all of these but still, they are doing this illegal work. Why they are doing this kind of illegal work without any fear there are many loopholes in the system. This is the bitter truth but we all have to accept this truth. Laws are made for the protection of children and against child labour and exploitation

- Child Labour Act;
- Child Labour (Prohibition and Regulation);
- Juvenile Justice (Care and Protection of Children) Act, 2000.

Punishment

Any person who employs a child below 14 or a child between 14 and 18 in a hazardous occupation or process can be punished with jail time of between six months and two years and/or a fine between Rs. 20,000 and Rs. 50,000. Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with a fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both. Above two punishments of the child labour act and the Child labour and prohibition act. I am adding some case briefs for this paper

In the case of Jayakumar Nat & Anr v State of NCT of Delhi & Anr on 4 September 2015. In this case, the child admitted that he was working at Vishwakarma Tempo Repairing Centre, Govindpuri Transit Camp for the last 3 months for about ten hours a day and draw a monthly salary of Rs.400. In the Indian constitution, article 24 states prohibit the employment of children below 14 years of age in factories and hazardous employment. Article 24 is part of fundamental rights under the Indian constitution. Children below 14 shall not be allowed to work in factories or any other hazardous places. If they are forced to do the work in that places they are liable for punishment.

CONCLUSION

In this paper, I have tried to discuss many topics related to children's rights and their problems. I have discussed health issues, education, poverty, child labour, and part of the constitution Article, 14, 15, 16 and 21A. I have discussed their problems in sub-parts, and I have tried to give the answers or kind of solutions in my views of some questions which I have written in my abstract. There are many articles or research papers are present of different websites similar to this topic. Everyone has given their view and the same I have done. But the thing is how we people deal with this, it is very easy to write or discuss or give views on this but difficult to resolve. Is it that much difficult that we are not able to resolve it? The answer is in our hands, if we want to resolve it then will resolve it.