

The State of Child Rights in India – Some Facts

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Abstract

A Child is defined as a every human being below the age of 18 years. Human rights begin with child rights. These rights are : 1. Subsistence rights 2. Development rights 3. Protection rights 4. Participation rights. But, in India, many of these feeble hands, instead of carrying books are often bruise in factories of pan, bidi, cigarettes (21%), construction (17%), domestic workers (15%), spinning & weaving (11%), apart from brick kilns (7%) dhabas (6%) auto workers (4%) ,paddy-fields and football making etc. Punjab has an alarmingly low under-5 sex ratio(846:1000) and the lowest sex ratio at birth(832:1000). It also has 1,77,268 child laborers. Among all reported feticides, 56% are registered in Madhya Pradesh, Chattisgarh and Punjab. Crime against children saw a 24% increase; from 26,694 cases in 2010 to 33,098 cases in 2011. Rape cases increased by 30%, feticide by 19% while buying of girls for prostitution declined by 65%. There is an increase of 10.5% in juvenile crimes from 2010(22,740) to 2011(25,125). As a result of such forced labor, children are often subjected to malnutrition, impaired vision, deformities and easy victims of deadly diseases like Tb, Cancer and AIDS.

Key Words

Child Labor, Child Rights, India, Crime against Children, Juvenile Crimes.

A Child is defined as a every human being below the age of 18 years.” [Article 1, UNCRC 1990]. In India, various legal provisions define a child as anyone less than 14 years. However, recently some Acts like Juvenile justice Act 2000 or Prohibition of Child Marriage Act 2006 raised the upper age limit of girl child to 18 years.

Human rights begin with child rights. These rights are : 1. Subsistence rights; i.e., right to food, shelter and health care. 2. Development rights; i.e., right to education and freedom. 3. Protection rights; i.e., right to life and protection from abuse. 4. Participation rights in community activities. Child labour is the most gruesome violation of these rights. Child labor is a reality groomed under the stark negativities of abject poverty, injustice, inaccessible health care and educational facilities.

A child is an equal and inalienable member of human family. However, often they are the most silent and innocent sufferers. The feeble hands, instead of carrying books are often bruise in factories of pan, bidi, cigarettes (21%), construction (17%), domestic workers (15%), spinning & weaving (11%), apart from brick kilns (7%) dhabas (6%) auto workers (4%) ,paddy-fields and football making etc.

The constitution guaranteed right of education as a fundamental right in its 93rd amendment. It has directed the states to ensure free and compulsory education of all children between 6 to 14 years. But mother India has failed to deliver its best to its children. 50,000 village are without any school (UNICEF data) . The school dropout rate is 28.86% (class1to5) and 42.4%(class1to8).Gross literacy rate is 74% while female literacy rate is 65.46%.Today there are only 436 universities,3357 teacher- training colleges and 6936 professional colleges for a population of 121,01,93,000[Planning commission 2011].Inequality of socioeconomic growth combined with unjust colonization of health and educational facilities are the causes. The EWS and LIG population has little access to these basic amenities and need more earning hands, engaging the most young and vulnerable ones.

The participation of child in labor declines steadily with enhancement in mother’s education, father’s education and family income. The impact of education, urbanization and income on child rights can be gauged from following data of Ministry of Statistics.

Table 1: Percentage Of Working Children In 5-14 Years of Age, As Per Background Characteristics

Background	Paid work (%)	Unpaid work (%)
Male	2.4	3.2
Female	2.0	2.6
Mother’s education		
NO education	2.8	2.6
<5yrs	1.8	3.5
5-7yrs	1.3	3.6
8-9yrs	1.1	3.6
10-11yrs	0.8	3.1
>12yrs	0.8	3.1
Father’s education		
No education	3.2	2.6
>12yrs	0.7	2.8
Religion		
Hindu	2.2	3.1
Muslim	2.8	2.1
Sikh	1.2	4.1
Jain	0.0	3.3
Christian	1.3	1.5
Buddhist	2.6	1.5
SC	2.6	2.8
ST	3.6	3.3
Lowest Income	3.1	2.2
Highest Income	0.9	3.3

It is praise worthy that Punjab has achieved 100% registration at birth level. But in spite of its laudable heritage and 29,41,570 child population, Punjab lags behind in many aspects. It has an alarmingly low under-5 sex ratio(846:1000) and the lowest sex ratio at birth(832:1000) [SRS 2008-10].Among all reported feticides,56% are registered in Madhya Pradesh, Chattisgarh and Punjab. It also has 1,77,268 child laborers [Census 2001].

Table 2

	Literacy Rate	Dropout rate[1 to 10]	Children with severe Anaemia[<7g%]	Neonatal Mortality Rate	Infant Mortality Rate	% of low weight for age children	Immunization Coverage[12-23 mth]
India	74%	52.7%	2.9%	33	47	19.8	61%
Kerala	93.9%	-4%	0.5%	7	13	15.9	81.5%
Punjab	76.7%	40.4%	6.6%	25	34	9.2	83.6%

Immunization coverage is higher in urban (67.4%) than rural (58.5%).It increases with mother's education. It is 76.6% where mothers have education of 12 years or more and only 45% where mother's are illiterate.

In spite of National Policy on Child Labor 1987 and Commission of Protection of Child Rights Act 2005, India has the highest number of child labors in the world. There is an increase from 11.28 million in 1991 to 12.6 million in 2001. Approximately 45 million children, most of whom are undetected, work for 12 to 18hrs of a day at Rs.250/- per month, and sometimes with no wages at all, i.e. as bonded labour.78% male child labors are employed in agriculture.3 lakh children work as rag-pickers in Delhi alone. There are 4.2 million street children in the 6 metro cities engaged as thieves, beggars, prostitutes and domestic workers [UNICEF data 2004].UP has the highest share of child labor [15.22%],followed by Andhra Pradesh [10.76%], Rajasthan [9.97%] and Bihar [8.82%].

Nearly 11.8%children aged 5 to 14years, work either at their own or in some other house[NFHS 3 data 2006].Rural children aged 5 to 14 years[12.9%] are more likely to be engaged than urban [8.6].

There exist a number of acts to abolish this menace, e.g., Children (Pledging and Labor) Act 1933, Bonded Labour Act 1976, Child Labour (Prohibition & Regulation) Act 1986, Juvenile Justice Act 2000,Hindu Succession (Amendment) Act 2005, Prohibition of Child Marriage At 2006 etc. However, the laws are biased towards the employer and are toothless. Most of the offences are not cognizable. Most of the occupations do not come under the purview of any act. Social indifferences and low political commitment result in non-implementation of existing acts.

Alarmingly, crime against children saw a 24% increase; from 26,694 cases in 2010 to 33,098 cases in 2011. Rape cases increased by 30%, feticide by 19% while buying of girls for prostitution declined by 65%.However, while the charge-sheeting rate in all crimes against children is 82.5%, the conviction rate is merely 34.5% [Ministry of Statistics].

Indian Penal code states that nothing is an offence which is done by a child less than 7years. The upper age of criminality is increased to 12 years when a child has not attained the ability to understand the nature or consequences of his act. Although crimes done by children account for 1% of all crimes, there is an increase of 10.5% in juvenile crimes from 2010 (22,740) to 2011 (25,125). Major juvenile crimes are theft (21%), hurt (16%), burglary (10%) and gambling. Cases of immoral Traffic Act increased by 50%. Out of all juvenile criminals, 18% are illiterate, 37% had primary & 31% had less than secondary level education. Total annual family income is less than 25,000 in 57% & less than 50,000/ in 27%. Among total juvenile arrested, 5.8% were girls.

Human rights violations are there for all age groups. The global slavery index report 2013 shows that India has highest number of slaves [13.9 million] among the worlds total slaves[30 million] population . In the slave per population concentration, India is 4th, just after Mauritania [1st] Haiti[2nd] & after Pakistan [3rd]

The 2013 international labor organization (ILO) report shows that the Asia-Pacific region has the maximum prevalence of domestic labor (about 41%). In Asia, only 3% of domestic workers are entitled to a weekly day off as compared to the global average of 50%. Just 1% of the world's domestic workers. Rights to minimum wages and maternity benefits are a far-cry in India. Attempts for legal protection to this sector date back to a private member's bill in parliament in 1950s. But the closest any legislature has moved to realize these objectives is the recent inclusion of this category in the Tamil Nadu Manual Workers Act, besides legally guaranteed minimum wages in Kerala & Karnataka.

As a result of such forced labor, children are often subjected to malnutrition, impaired vision, deformities and easy victims of deadly diseases like Tb, Cancer and AIDS. They are often forced to lead solitary lives, deprived of education or training, perpetuating the cycle of poverty by driving down the wages. 85% of these child labors are invisible or hard-to-reach, as they work in unorganized sectors or house-based units.

Now it is the turn of those with political power to empower every child with her birth right, i.e., health, education and protection. Say "Yes" for children.

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