

## Issues affecting Childhood in contemporary Indian Society: A study from the Human Rights Perspective

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### Abstract

Childhood is the foundation of adulthood. Success in later part of Life largely depends on the smooth transition from childhood to adulthood. But unfortunately, millions of Indian children face tremendous problems and upheaval task of smooth ride in their childhood because of number of barriers that exist in the Indian society because of the non-compliance of the basic human rights provisions. This paper deals with the issues that are adversely affecting children from quality life and it highlights the reasons that in spite of numerous legislations why the children continue to suffer in silence. The Authors of this papers deals with six apparently distinct but interrelated issues like poverty in childhood, child trafficking, issues of exclusion in educational system, children in conflict with law, child labour and child marriage. It is to be remembered that these are not the only issues which tend to threaten the childhood in India. Numerous issues can jeopardize the safe and secured childhood. The decline of primary and secondary social institutions, decay in the morality and impact of globalization have been also dealt to depict the contemporary Indian society which fails to provide a safe and secured childhood to the Indian children and created an environment which ensures child protection.

**Keywords:** Poverty, Juvenile, Child Trafficking, Child Marriage, Child Labour, Exclusion

### Introduction

Childhood is the most precious part of human life. The happiness and fulfillment that we achieve and enjoy in later part of life, largely depends on the productive childhood. Childhood demands extra care as the children by reason of their physical and mental dependency on adults, need protection. The protection can be truly ensured only by adhering to the basic human rights provisions that are universally accepted as requirements for achieving and ensuring life with human dignity and scope for utilizing the individual potentials. The human civilization has progress especially in the twenty first century in terms of technological progress. We strive to create a better world where none should be left out from enjoying the fruits of development. Yet it is

a fact that in many parts of the world, the States have either failed or did not performed its obligation to protect the childhood. India is such a nation which still has a long way to go in its battle to ensure safe and secured childhood as enshrined in the United Nations Convention on the Rights of the Child (1989) This paper deals with the issues which exist in India and can be said to be detrimental to a safe environment where children can enjoy basic human rights which are essential for their survival, development, protection and meaningful participation in the society. It also tries to explore the rationale behind the failure of innumerable social legislations to protect children from social evils. The role of social institutions is also looked into

as these are considered most pivotal so far primary care giving is concerned.

### **Issues affecting Childhood in India**

#### *Poverty in childhood -*

Poverty is considered as bane in childhood. Poverty whether, it is absolute or relative, destroys the different aspects of childhood. If a child faces poverty in the formative years of life, he/she is deprived of developing capabilities which would be helpful in utilizing the potentialities in later stage of life. Children are dependent of adults and immediate community regarding care and protection. An impoverished family is not expected to fulfill the needs of a child and therefore the human rights are either ignored or trampled. Absence of goods and basic services which the children need jeopardize the growth, development and poses a threat to the survival. Poverty in the childhood often ensures poverty in the adulthood. It also gives birth to circumstances where the issues of deprivation breed. Severe deprivation also gives birth to gender discrimination. Thousands of children in India face the problem of malnutrition, sanitation, safe drinking water, shelter, quality education and information because of poverty. All over the world, India is presented as growing economy but recently published Global Hunger Index (2016) (Chakrapani, 2016) ranks India 97<sup>th</sup> out of 118 countries. This shows the failure of administration to counter the problem of poverty and hunger. It is really unfortunate that poorer countries in Asia have fared well in comparison to India. Government data also highlights that nearly 27 crore people in India are below poverty line( Chakrapani,2016). The Constitution of India lays down the provision for equal opportunities and task of ensuring this has been bestowed upon the State. The State even after seventy years of independence has miserably failed to secure a square meal for every citizen, education for every child, sanitation and safe drinking water for everybody. Schemes after schemes have failed to alleviate poverty. In turn the children in poverty suffer from mental, physical, emotional and spiritual damages which are irreversible in nature in the later part of life. They lack voice as they are dependent on the adults for their well being. They are not voters so political establishment never feels threatened by their presence. The adult members think that whatever they are doing is in the best interest of children yet the children suffer in poor

condition being deprived of basic human rights because of abject poverty.

Poverty even threatens the lives of millions as diseases kill and which could be easily prevented by administering inexpensive medicines and vaccines. Even if they survive, malnutrition arising because of poverty often leads to stunting and hinder brain development which in turn deprives a child in acquiring skills. Therefore limits the capability to pursue one's dream. The children who face poverty repeat the lives of their parents in adulthood because of lack of options.

#### *Child Trafficking –*

The slavery has returned to the modern society in the form of trafficking. Children are the worst victim of this social evil. This is generally because of their inability to protect themselves and dependency of the adults. It is most unfortunate fact that the stakeholders e.g., family members, relatives, community, teachers, security personnel, elected representatives, personnel from noble professions like law and medicine, government machinery have collectively failed to protect and ensure a secured place for children in Indian society. Child trafficking is considered as one of the worst form of human exploitation and often leads to exploitative labour, prostitution or involuntary involvement in the sex trade (Aston, 2016). In India, large numbers of children are trafficked for forced labour, begging in the big cities. Sexual services, child pornography etc. There is always demand and no child irrespective of their age is safe from the predators operating in the field of trafficking. Recent raid conducted by the Criminal Investigation Department, West Bengal which claimed to have exposed a baby trafficking racket highlights the plight of children (Mitra and Bedi, 2016). In India, adoption market has flourished unprecedently in the last few years. The government of India has also installed Central Adoption Resource Authority (CARA) as the apex authority in the country and in order to support CARA, State Adoption Resource Agency (SARA) has come up in every states. Yet there are parents who would take illegal route of obtaining a baby. The corrupt elements are present in every sphere of our public life. Social Workers, doctors, law clerks in the courts, management of nursing homes –all are involved in this illicit trade which involves huge money. The recent baby trafficking case which has been highlighted in the print and electronic media only

points towards the collective failure of the machinery which is supposed to protect the children in India. The involvement of Doctors who enjoyed high social status because of integrity and service to the mankind, only reveals the decaying morality in the contemporary state. The lure of money has blinded them. Socialization process in the society is partially blamed for this. When the success and failure is determined only in terms of money, these incidents are bound to take place as human values often take back seats. The ultimate victim is the regime based on the principles of human rights. There is a tendency amongst the Indians that they always feel legislation and solve any social problem. Hence there is no dearth of laws in the country. But in reality there is hardly any implementation of laws as these are violated by police and social workers and other stakeholders. The lack of vigilantism at the community level is largely blamed for the continuation of the child trafficking phenomenon in Indian society. It is relevant to mention the “ We feeling” is missing in most of the communities. Financial crisis and neo-liberal policies which are blindly followed by the successive government in the post- reform era also fuelled the ambition of leading a quality life not supported by the legal means is also to be blamed for the proliferation of this social evil in the contemporary society.

#### *Issues of Exclusion in the Educational System-*

India inherited elitist system of education from colonial rulers. There is also an attempt that after independence major thrust is given to transforming the system and give access to common people the right to education based on the principle of equality and social justice (Govinda, 2016). The Constitution has been amended to make education a fundamental right. The Right to Education Act, 2009 lays down free and compulsory education from six years to fourteen years of age. It is nowadays claimed that India has nearly achieved universal enrolment of children in the elementary level. There is no doubt that Indian children have been benefited by the enormous expansion but that does not prevent a sensible person from raising some uncomfortable questions to the policy makers and administrators. It is a fact that India represent a divided society based on caste system and of late class has become very dominant especially in the urban areas. There is a prevailing tendency of safeguarding the interests of elites. Since 1990s,

when the neo- liberal policies were announced, the elitists in the Indian society revived the concept of elite institutions in the field of education. If we look at the proliferation of the private institution, their presence can be felt both in the urban and rural India. Though it is fact that Government institutions have their overwhelming presence in the fields of primary, secondary and higher secondary education in the rural areas (Chakrapani, 2016). But private institutions have already established clear advantage in the urban areas. The facilities and quality of education are much better compare to the government aided institutions. These private institutions are charging hefty amount from the parents of children. A situation where relative exclusion so far quality and skill development are concerned, is being deliberately created to protect the world of elite and prevent upward social mobility of the disadvantaged sections of Indian society. In government aided schools which admit children from all sections of society often lack basic infrastructural facilities. A teacher very often needs to tackle more than fifty students in the classroom. It is next to impossible for such a teacher to ensure that every student learns efficiently (Kar, 2016). Hence the quality is compromised which eventually put the children in a disadvantageous position. It is also found that there is a presumption that needs of the students are uniform in nature. But because of the diverse socio, economic backgrounds and psychological issues, the children need differential care. For example, children suffering from any sort of disability fails to maintain pace with the rest of his fellow students in the classroom. This ultimately creates a barrier in the development process. These issues are seldom reflected in the mainstream policies in the contemporary Indian society. This shows the return of exclusion in a different form.

#### *Children in conflict with law-*

There is endless debate on the plausible options and strategies to deal with children in conflict with law. National Crime Records Bureau (2014) report shows that number of cases of juveniles in conflict with the law under Indian Penal Code reached 33,526. Barring few years, there is a rising trend in the incidents of cases relating to crimes committed by children. The following table mentioned below would help understand the situation –

Cases registered against juveniles under IPC 2004-2014	No. Cases
2004	19,929
2005	18,939
2006	21,088
2007	22,865
2008	24,535
2009	23,926
2010	22,740
2011	25,125
2012	27,936
2013	31,725
2014	33,526

Source: Crime in India statistics, (2004-2014), NCRB

In India, We have Juvenile Justice (Care and Protection of Children) Act, 2015 to deal with the children found to be in conflict with law and in need of care and protection. This particular Act has been amended few times to address the gaps in its implementation. This recent Act allows juveniles to be tried as adults for heinous crimes. The juveniles in the age group of 16 to 18 years committing heinous crimes will not have the protection of the Act. The need of this special provision was felt specially after the popular uproar against the release of the juvenile who was convicted in the case of 23 year old "Nirbhaya" who was brutally gang raped and murdered in 2012. This ghastly incident was followed by a hysterical campaign launched in the different parts of the country (V.Venkatesan and T.K. Rajalakshmi 2016). While enacting new legislation the opinion forwarded by the supreme court in the salil bali vs.Union of India (2013) and Dr. Subramanian Swamy Vs. Raju (2014) has been set aside. In both the cases The Supreme Court of India stated that all children in conflict with law to be dealt under the juvenile justice system irrespective of the nature of offences committed by them. Unfortunately the new legislation has retracted from the welfare oriented policies by taking a regressive step of embracing retributive justice instead of forwarding restorative justice (Raha, 2016). The dual standard of Indian society is exposed in the process. The society never bothers when a child remain unfed, could get access to the education. The educated class maintained its studied silence when children face deprivation, neglect and different types of abuses in the society. It hardly

organize a march towards Parliament or state legislatures for the violation of the basic human rights of the children from disadvantaged sections of society. But the same class is up against the child who commits a crime and want the State to take a proactive stand in punishing the child. There is hardly any collaborative efforts to ensure the protection of children. The solution does not lie in inflicting punishment but to understand the ground realities which often compels a child to commit crime in society. We have enough number of laws in the land but will is missing. Rehabilitation is the most crucial part of the Juvenile Justice System but inadequacy of public spending on child protection shows the lack of will. Mahaprashasta (2016) in his article 'Just hellholes' mentions that in the last ten years, the Government of India has spent on an average 3 paise out of every 100 rupees on child protection. This only highlights our lack of sincerity and commitments towards a secured childhood.

#### *Child Labour-*

Child labour is a social problem that affecting the enjoyment of childhood since time immemorial. It is positively correlated with the prevailing poverty, problems arising out of caste equation in the rural areas, size of family, low wage rate, illiteracy, ignorance, drop out from school, lack of opportunities to skill development etc. Engagement in the work generally deprives the children from enjoying the childhood. But unfortunately thousands of Indian children are involved in different fields as child labourers. This in turn jeopardise the healthy development because most of them face physical, sexual and other forms of abuse at their work place. The fate is almost same in the developing or third world countries (P.Srivatsa, 2016). The Child Labour (Prohibition and Regulation) Act, 1986 does not completely ban the engagement of child labour rather it regulates the employment of the children in certain specified occupations and processes which are hazardous in nature. This Act has been recently amended in 2016 which incorporates certain provisions which has introduced the concept of adolescent. The recent amendments also allows the children to work in the family enterprises without being termed as child labour. Even the child artists who are working in audio-visual entertainment industry have been left outside the purview of the Act. This seems to be apparently progressive but there is considerable apprehension that in the name

of engagement in the family enterprise, the children would be exploited in absence of a stringent monitoring authority. So far the child artists interests are concerned, they may be forced by their parents to earn more money and fame for their families. In the age of consumerism, even the parents sometimes forget about the interests of the children and indulge in such activities which are detrimental to the best interests of the child.

#### *Child marriage-*

Child marriage is considered as the gross violation of human rights in any civil society. Child marriage deprives a child from education, may expose to sexual exploitation, violence, early and repeated pregnancy. This is an unfortunate fact that in India 16 % girls aged 15 to 19 years have started child bearing (P.Srivasta,2016). The child who is supposed to enjoy childhood are burdened with the obligations of adulthood through child marriage. The problem of child marriage can be linked to the social norms and practices like dowry. A recently published data from the Office of the Registrar General & Census Commissioner of India showed that there are 12,105 minors who are divorced in the age bracket of 10 to 14 years of age (Singh, 2016). It clearly highlights the evidence of rampant child marriage across country. Child marriage is illegal under the Prohibition of Child Marriage Act,2006, yet on Akshay Tritiya, thousands of child marriages take place just because the community fails to stop or choose not to intervene in the private matters. In some remote places the personnel from the childline and Administrative functionaries face challenges when they go to stop child marriage. This depicts a grim picture of deep rooted traditional value system which continues to pose serious challenges to prevent child marriages in India society.

#### **Conclusion**

Wellbeing of children largely depends on the adults in a society. They actually hold the power of bringing positive changes in a particular society. In India, we often find that adults never allow the children's voice to be heard. Neither the children get the opportunity to participate to express their demands. There is also a tendency to show passive resistance in case of violations of the human rights of the children. It is a fact that awareness level regarding safe and secured childhood among the parents, family members and community people are still not

up to standard. The issues which are highlighted above are the just few evils that plague the childhood. In fact the issues can be infinite so far the inadequacy of measures is concerned. This situation will remain unaltered unless we pay heed to the words spoken by Gabriel Mistral of Chile, a great poet and Nobel Laureate, "We are guilty of many errors and fault, but our worst crime is abandoning the children, neglecting the foundation of life. Many of the things we need can wait. The child cannot; right now is the time his bones are being formed, his blood is being made and his senses are being developed. To him we cannot answer 'tomorrow'. His name is 'today'."

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