

# PROTECTION OF VIOLENCE AGAINST CHILDREN IN INDIA

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## ABSTRACT

*The problems of child maltreatment, domestic violence and elder abuse have generated hundreds of separate interventions in social services, health & law enforcement arrangements. This array of interventions has been driven by the urgency of the different type of family violence. In India the child's rights, protection & exploitation (street children, child labour, trafficking etc.) are intimately linked to the poor socioeconomic conditions in a large population base. Children are being physically & sexually abused all over the world. It is a collective responsibility of the citizens as well as of the Government of the concerned nations to combat the evildoers to the children & to minimize the risks to their physical, emotional & psychological well-being. Keeping in mind that every child has the right to live free from violence we must aware on the role of Governing agencies with their societal approaches ,presented paper is an effort to highlight the 'the protection of violence against children in India.*

## INTRODUCTION :

*" children have suffered violence at the hands of adults unseen and unheard for centuries. But now that the scale and impact of violence against children is becoming visible, they cannot be kept waiting any longer for the effective protection to which they heaven unqualified right."(world report on violence against children).*

In India, child rights ,protection from abuse and exploitation (street children, child labour trafficking begging etc.)are intimately linked to poor social economic conditions in a large population base. In India, the key public health approach should be to prevent child Mal treatment and to ensure that all children and families have access to school, basic Health Care, Nutrition besides supportive social welfare and Juvenile Justice systems. The family and the community must be educated, informed and empowers so that they can provide care and protection to their children. Awareness of their rights and information about governmental assistance would ensure proper utilization of various 'schemes 'these Child Protection systems community ownership & participation can contribute to break down cycle of Intergenerational poverty & exploitation.

***International perspective:***

The UN Convention of Rights of Child (UN CRC,1989)is the most widely endorsed child rights instrument worldwide, which defines children as all persons aged 18 years and under.

1. In the UN Cicatrice 19.1,Child Protection has been defined as States parties shall take all appropriate legislative administrative social and educational measures to protect the child from all forms of physical or mental violence injury or abuse neglect or negligent treatment Mal treatment or exploitation including sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Failure to ensure child right to protection adversely affects all rights. Child Protection is critical to the achievement of Millennium development goals (MDG).These MDGs can't be achieved unless child protection is an integral part of program and strategies to protect children from child labour, street children, child abuse, child marriage, violence in school and various arenas.

*Forms of exploitation-* several well developed countries of the world have well developed Child Protection Systems, primarily focused by mandatory reporting, identification and investigations of affected children and often taking coercive action. The burden of high level of notifications and investigation is not only on the families, but also on the system, which has to increase its resources. In these contexts, the problems of child protection in India, with huge populations and additional socio economic constraints, need serious and wider consideration.

**EXPERIENCES & MAGNITUDE OF PROBLEM -INDIAN PERSPECTIVE :**

In India, the number of children needing care and protection is huge and increasing. Uncontrolled families, extreme poverty, illiteracy result in provision of very little care to the child during the early formative years. Even services that are freely available have poor utilisation. The urban under privileged, migrating population and rural communities are particularly affected. In large cities, there are serious problems of street children, who are abandoned & often homeless and child labourers employed in Manila work. Children in difficult situations such as children affected by disasters , those in conflict zones, Refugees, HIV AIDS need appropriate care and rehabilitation. For example in India there about for 40 million; about 40% of them vulnerable or experiencing difficult circumstances. 27 million babies are born each year. A large majority these births are among the underprivileged section of the population, mostly unplanned and where the parents cannot provide proper care to their children. The situation of the new born and the periods of infancy and early childhood are particularly critical and the morbidity & mortality rates continue to remain very high.

Child rearing practices reflect social norms & very often adverse traditions are passed from one generation to the next, especially in illiterate & poorly informed communities & are extremely resistant

to alter. As per government of India survey, the prevalence of all forms of child abuse are extremely high (physical abuse 66%), sexual abuse( 50%) and emotional abuse (50%).In this contexts, India must also seek its own insights and way forward plans to protect their children. Wider implications of 'protection ' the term 'protection' readily relates to protection from all forms of violence, abuse and exploitation .However, from India's perspective, the Indian Child Abuse Neglect and Child Labour(ICANCL) group has strongly propagated the view that 'protection' must also include protection from disease, poor nutrition and illiteracy, in addition to abuse and exploitation. The ninth is ISPCAN Asian Pacific conference of child abuse and neglect(APCCAN 2011) conference outcome document 'Delhi declaration' reconfirmed and pledged a resolved to stand against the neglect & abuse of children & to strive for achievement of child rights and the building of a caring community for every child, free of violation and discrimination. It urged & asserted the urgent need to integrate principles, standards and measures and national planning process to prevent and respond to violence against children.

In the process of voluntary service in underserved regions of our country, we learned some important lessons from the vulnerable families and communities. The most important lesson is that public awareness about child abuse and neglect as to be raised and society attitudes have to change, Children should have knowledge regarding life skills, child rights and participation. Moreover, Government should encourage public discussions on child maltreatment. The media has an important role to play in this regard. Legislation alone will not bring the sufficient impact unless awareness and public attitude are changed Legislative! Nevertheless, adequate Legislative framework and their consistent implementation and enforcement are very important. Beyond rationalization of existing laws, the main challenge in India remains their enforcement & the fact that there is a certain degree of impunity for those violating the law. for instance ,if one compares the prevalence of child marriage in India the numbers of people prosecuted for violating the anti-child marriage law, it is evident that the law is not enforced.

***Role of professionals ,Social workers, Educationists, Corporate sector, Religious Institutions etc. :***

The professionals, all educated persons ,corporate sector and religious Institutions etc., must help in Child Protection and child welfare. A major attitudinal change in civil society is called for. The child's voice must be heard by the policy makers, attitudes, traditions, customs ,behaviour and practices refers to social norms and traditions that condemn harmful practices and support those that are protective many protective. Many protective traditions and practices exist, such as strong family values. However certain stereotypes attitudes and social norms that violate the rights of the child also persist, such as the use of corporal punishment as a way to discipline children or the social acceptance of child labour. Other harmful practices associated to gender roles, such as child marriage or gender-biased sex selection is, deeply rooted & manifest a patriarchal & hierarchic attitude towards girls & women, who are still seen by many as a liability or as parayadhan (someone else's wealth or property of the marital family).A better understanding of those norms and attitudes, are necessary to promote social change in the best interest of the child.

***Role of community :***

Wherever the parents are unable to take care and protect the child, the proximate community and their elected representatives must take up that responsibility. Thus in the village, panchayat officials or local self-government and in the urban areas, the elected members must ensure that every child is in school, receive basic Health Care particularly immunization, nutrition etc. And protection from child abuse & neglect.

***Role of Government :***

The ultimate responsibility to protect its Nation's children lies with the Government ; by ratification of International instruments such as UN CRC & UN General Covenants, the government should commit appropriate legislative administrative, social and educational measures to prevent and protect children from maltreatment. In 1992, India accepted the obligations of the UN Convention on the Rights of the Child (CRC). In the last two decades, the government has taken several steps towards publicly advance children's rights These includes the Juvenile Justice (Care & Protection) Act 2000 (amended in 2006), Prohibition of Child Marriage Act 2006, the formation of the National Commission for Protection of Child's Rights 2005, a National plan of Action for Children 2005, Right to Information Act 2005, the Goa Children (amendment) Act 2005, the child labour provision and Regulation Act 1986 expanded the list of banned and hazardous processes and occupations, Integrated Child Protection Scheme 2009 and advancing various legislation such as Right to Education Bill 2009 and prevention of children from sexual offences (POSCO Act 2012) to protect & promote and defend child rights in the country . However still, there is a wide gap between policy and implementation / practice & outcome and millions of children fall through the gaps.

The Juvenile justice (care and protection) Act 2000 (amended in 2006) was a key step in the right direction by Government of India. It established a Framework for both children in need of care and protection and for children in contact with the law. However, further harmonization is needed with other existing laws, such as the prohibition of Child Marriage Act 2006 , the Child Labour Prohibition and Regulation Act 1986 or the right to Education Act 2009. Important contradictions exist among these laws starting with the definition and age of the child

Conflict with personal laws should also be address, ensuring universal protection of children.

**CONCLUSION :**

It is a dangerous world that we are living in today, especially for the children that are completely dependent on the adult members of the society for their protection. These children are the most precious and helpless members of any society and how we treat them can be the most revealing measure of a Nation's humanity and respectability. Thus, there is an urgent need for generating awareness among

the people and reducing illiteracy and ignorance. When the children from poor countries continue to be sent abroad in a callous fashion despite the risks involved for them, little can be achieved in terms of saving these children. Even if there is absence of conclusive evidence, the mere consideration of the risks involved should be reason enough stricter scrutiny of all transactions involving .

## REFERENCES

1. RN Shrivastava: Child Protection-whose responsibility? CANCL news 2011-11(1),4-5.
2. RN Srivastava :Child abuse & neglect; Asian Pacific conference & Delhi declaration, Indian
3. Pediatr 2011;49-11-2.
4. R Seth, SR Banerjee :National Consultation on Urban Poor, CANCL News,2006;6(2),12-15
5. J Bergua. U ICEF India; Child Protection Basics;2011,1-8.
6. RN Shrivastava: Child health & welfare, panchayat and rural development CANCL news; 2008;8(1),3-4
7. P. Abdul Rahim, Human Rights in International Relations 2010
8. Asha Vajpai; Child rights in India-Law, policy & practice 2003
9. Laminar Mishra: Child Labour in India,
10. SC Sarkar: The Law of Criminal procedure,2005Jaya Sagade: Child Marriage in India-Socio legal &Human Rights Dimensions,2005

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