

## AFFIRMATION OF CHILDREN'S RIGHTS, VIOLATIONS AND FUTURE CORRELATION STUDY ASPECTS

Prithvi Raj

Asstt. Prof., Govt. Degree College Baderwah, Jammu And Kashmir, India

---

### ABSTRACT

*The final affirmation of children's rights, which would ensure the world a prosperous. Future can be achieved only through international cooperation, that is to say the sound implementation of the rights to development. Let us remember the child of the today will be the future of our country. So the investment made on children will be an investment in the future of our country. We are guilty of many crimes and errors but our worst crime is abandoning our children. Human Rights have been a matter of serious all over the world in the present day-to-day life. In all the societies it has been observed that people treat each depending upon their motivation, may be of love, gratitude, hatred, greed etc.*

**Key Words:** Children, Rights and Violations.

---

### INTRODUCTION:

The U.S.A in 1791 by its first 10 amendments in the constitution gave its national basic rights. The human rights were included in the constitution of Ireland in 1921, Germany in 1933 and India in 1950. The expression "Human Rights" is relatively new, having come into prominence since the establishment of the United Nations in 1945. It replaces the phrase, "natural rights", which fell into disfavor partly because the concept of national law had become a matter of controversy, and the later phrase, "the rights of men" which was not universally understood to include the rights of women.

The term "human rights" were mentioned in the United States Declaration of Independence in 1776. A bill of rights was embodied in the constitution of the United States of America. Later a declaration of human rights and duties was prepared by the Institute of International Law, New York (USA) in 1929. In the Inter-American Conference a resolution was passed seeking establishment of an international forum for the furtherance of human rights of mankind. It is true that on a number of occasions the great powers interested in the Turkish Empire to prevent large

scale atrocities, and that there was some support among writers for a right of collective humiliation intervention, but that was all so far as customary law was concerned.

The child' is recognized, universally, as a human being who must be able to develop physically, mentally, socially morally, and spiritually, with freedom and dignity. However, neither the 1924 Geneva deceleration nor the 1959 deceleration of the rights of the child define when childhood starts and ends mainly to avoid taking a stand on abortion. Nonetheless, the preamble to the deceleration of the rights of the child highlights, children's needs for special case and protection, "including appropriate legal protection before as well as after birth".

#### VIOLATIONS AND FAULTS:

Custodial killings, police abuses including torture, and failure to implement policies to protect vulnerable communities marred India's record in 2011 as in the past. Impunity for abuses committed by security forces also continued, particularly in Jammu and Kashmir, the northeast, and areas facing Maoist insurgency. New state controls over foreign funding of NGOs led to restrictions on legitimate efforts to protect human rights. However, killings by the Border Security Force at the Indo-Bangladesh border decreased dramatically.

Social unrest and protests deepened in resource-rich areas of central and eastern India, where rapid economic growth has been accompanied by rapidly growing inequality. Mining and infrastructure projects threaten widespread displacement of forest-dwelling tribal communities. The government has yet to enact comprehensive laws to protect, compensate, and resettle displaced people, although a new land acquisition law has been drafted.

Despite repeated claims of progress by the government, there was no significant improvement in access to health care and education.

An anti-corruption movement erupted into public view in August and brought the government to a standstill, with widespread street protests and sit-ins demanding legal reform and prosecutions. Activists working with two prominent efforts to address poverty and accountability—India's rural employment guarantee scheme and right to information laws—came under increasing attack, facing threats, beatings, and even death. India has yet to repeal laws or change policies

that allow de jure and de facto impunity for human rights violations, and has failed to prosecute even known perpetrators of serious abuses.

The Indian defense establishment resisted attempts to repeal or revise the Armed Forces Special Powers Act (AFSPA), a law that provides soldiers in “disturbed” areas widespread police powers.

### **Jammu and Kashmir**

Thousands of Kashmiris have allegedly been forcibly disappeared during two decades of conflict in the region, their whereabouts unknown. A police investigation in 2011 by the Jammu and Kashmir State Human Rights Commission (SHRC) found 2,730 bodies dumped into unmarked graves at 38 sites in north Kashmir. At least 574 were identified as the bodies of local Kashmiris. The government had previously said that the graves held unidentified militants, most of them Pakistanis whose bodies had been handed over to village authorities for burial. Many Kashmiris believe that some graves contain the bodies of victims of enforced disappearances.

The government of Jammu and Kashmir has promised an investigation, but the identification and prosecution of perpetrators will require the cooperation of army and federal paramilitary forces. These forces in the past, have resisted fair investigations and prosecutions, claiming immunity under the Armed Forces Special Powers Act (AFSPA) and section 197 of the Criminal Procedure Code.

### **DISCUSSIONS:**

It is not surprising that very little work has been done for the health of the children in the world more so in India. Varied expressions of the same may be “Child is the discovery of the century, “Biggest Discovery is our knowledge of extent of our ignorance” .India presents a unique case in terms of its large population and 50% of them are children and adolescents; characterized by heterogeneity in respect to physical, economical, social and cultural conditions. India’s population of 1050 millions makes 16% of the world population, 68% of which is living in the villages

India is secular with various languages, cultures and religions. It has 179 languages, 544 dialects and 1942 mother tongues; with 148 medium of instruction at school level. This kind of complex

and multifaceted country makes formulation of national policies programming, and planning very difficult. The nation's children are our supremely important assets. Their nature solitude is our responsibility. Children programme should find a prominent part in our nation plans for development of human resources, so that our children grow up to become competitive citizens. Equal opportunities of development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice. It shall be the policy of the state to provide adequate services to children, both before and after birth and through the period of growth to ensure their full physical, social and mental development. States shall progressively increase the scope of the services, so that, within a reasonable time, all children in the enjoy optimum condition for their balanced growth.

A good quality of life for every child includes good housing, health services, financial stability, family environment, social network, practical coping skills; etc 9% of children in India have a very poor quality of life. Child and adolescent mental health, which is future of our country, is given inadequate attention. As overall development of any country is depended on positive mental development of its children, it is definitely the challenge of the day to cope with poverty, malnutrition, illiteracy, poor health, and hygiene that is crippling millions of children in India. Facilities should be provided for special treatment, education, and care of children who are physically handicapped, emotionally disturbed, or mentally challenged. 10% of child population is in need of special care treatment.

Only one in 100 get some. It is high time we reach out to the rest 99% of the child population that is being unattended by any agency. Children with borderline intellectual functioning and various learning, speech, visual, and hearing difficulties are conservatively estimated to be 20% of the total child population. These 114 million children have no facilities even in the urban areas. Child population is not homogeneous. Large number of children has no home, nonschool and no family. They can be in orphanages, destitute homes, beggars' home, juvenile homes, rescue homes, and remand homes. They can even be street children. All these groups somehow have their own self-help group, one of the motto of such group is "each one teach one" to become self-sufficient. The protection of child is a value shared by all cultures and communities

around the globe. In almost all society, responsibility for raising children well and preparing them for adulthood goes beyond the parents and is shared, to some degree, by the community at large. The community's investment in the well-being of its children is reflected in cultural mores and social norms, and in legal frameworks that permit intervention in individual families when children are abused or neglected.

#### CONCLUSION:

Human beings display certain needs which must be satisfied if they are to survive, grow and develop their pretensions as well as for the development of the society. These basic needs have been incorporated in almost all the national constitution which contain catalogues constraint the national legislatures not to enact laws which would infringe upon these and require legislatures to ensure their enjoyment and protection by enacting appropriate laws with a view to creating conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for principles of equal justice and self determination of people.

Rights are violated not only by unjust acts but also national and international structures; therefore, we can no longer limit ourselves to research and debate on the number of disappearances and the number tortured. Today the issue is clearly linked to the problem of the right to development. Consequently our quest for justice become more than that of combating instances of injustice, it should also seek to change structures that exploit and discriminate against us. We thus face the challenges of redefining our approach to the question of human rights within the framework of the social transformation process so as to simultaneously dispense with the particular power relations in our societies. Human rights should be developed as way of life and not limited to slogan. The human rights contribution would be made through establishing standards, implementing these standards and giving publicity to them. The government must make some programme to enable the people to live in dignity and respect, improve and social values of the people and make a sense of realization of the human rights in the mind of the people. The people themselves realize about their maintenance and violations of rights.

### References:

- B.P.Singh Sehgal, Human Rights in India, Deep and Deep Publications, New Delhi, 2004, P-76.
- J.N. Pandey, Constitutional Law Of India, C.L.A, Allahabad, 2007, P-122,225, 302, 387, 407.
- Shiv Dutt Sharma, Human Rights, Vidhi Sahitya Publications, New Delhi, 2006, P-184-190.
- A.G.Noopani, Constitutional Questions And Citizen's Rights, Oxford University Press, 2006, P-7
- Mamta Rao, Public Interest Litigation, E.B.C Publications, New Delhi, 2004, P-78-84.
- A.S.Kohli, Human Rights And Social Work, Kanishka Publishers, New Delhi, 2004, P-53-55.
- K.C.Agrawal, Shaping India Of Our Dreams, Knowledge Book Publishers, New Delhi, 2003, P-8
- Benjamin Zachariah, Developing India, Oxford University Press, New Delhi, 2005, P56-60.
- Pros. S.N.Mishra, Indian Penal Code, C.L.A, Allahabad, 2007, P-582-585.
- Dr. S.K Kapoor, Human Rights, C.L.A, Allahabad, 2005, P-45-48.
- Gary B. Melton, Children's Concepts Of Their Rights Vol-9, 2009, P186-190.
- Neeru Burra, Born To Work, Oxford University Press, New Delhi, 1995, PP-246-7.
- Asha Bajpai, Child Rights in India, Oxford University Press, New Delhi, 2003, P-45
- P.L. Mehta and S.S. Jaswal, Child labour and the Law, Deep and Deep Publications, New Delhi, 1966, PP-164-65.
- Savita Bhakry, Children in India and their Rights, NHRC, New Delhi.
- Mahaveer Jain, Insights on Child Labour, Manak Publications Pvt. Ltd., New Delhi, 2006 P-65
- Ministry of Women and Child Development: Study on Child Abuse, Government of India, 2007, P-29.
- Sahantha Sinha, Child Labour and Education Policy in India in the administrator, Vol:XXI, 1996, P-17-29.
- M.S.mc Dougal and Bebr "Human Rights, in the United Nations, p-604.
- Chandra Muza'ffar, "Human Wrongs: reflections on western global dominance and And impact upon human rights." ed. 1996.
- Smitu Kothari & Harsh Sheth. (eds), "Rethinking human rights, 181 -Delhi.
- Tim Dunne & Nicholas J. Wheeler (Eds) 1999, "Human Rights in global politics.
- The word "Human Right" was first introduced by-Thomas Paine in 1901.

Human Right was called the “Rights of Men” before the “France Revolution Analytical study on rights of child and constitution of India.

Papers.ssrn.com/so13/paper.crm? Abstract-id-2018853.

ILO,”Child labour: Targeting the Intolerable”, 1998, page, 112, Geneva.-Savita Bhakry,”Children in India and their Rights, NHRC, 2006, New Delhi.

Folks, H.The care of destitute. Neglected and delinquent children. New York: Macmillan, 1902.

WWW.IJOBSMS.IN