

A STUDY ON CHILD CARE AND PROTECTION: WELFARE TO NATION

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"Children do not constitute anyone's property: they are neither the property of their own parents nor even of society. They belong only to their own future freedom." Mikhail Bakunin

ABSTRACT

The significance and the importance of the child lie in the fact that the child is the best creature of universe. If there was no child, there would be no humanity and there cannot be universe without humanity. Therefore, mankind owes to the child the best that it has to be given. "International concern for the Protection of Rights of the Child", If there is no proper growth the child today, the future of the country will be dark. The Quality of the life they enjoy today would ultimately determine the quality of future population. Hence children are precious lot. Very often we ignore the children and hence lose an opportunity to make valuable citizen to the future generation. If a child goes wrong for want of proper attention, training and guidance it will indeed be deficiency of the society. Children need special protection because of their tender age, physique and mental facilities. They are an important national asset and the future well being of the nation depends on their personal growth. They need special law to protect them from exploitation and fraud to save them from certain liabilities and develop their personality in view of their weak position. It is not an exaggeration to say that the children are the blooming flowers of garden of Society and so, it is our duty to protect these flowers from damaging effects of excessive exposure to heat, cold and rain. The author tried his best explore all core aspects in this paper.

Keywords: Child, Rights of the child, Negligence of child. Exploitation of child, Social welfare of child. Promotion and Protection of child.

INTRODUCTION:

The word child is used in various senses, it may be used as term of relationships. This is recognized as a relationship of parent and child. The law confers certain powers and rights on the parent in respect to the child and saddles him with certain obligations and responsibilities. In hindu jurisprudence, the institution of son ship was considered to be one of the most important institution. Son is called 'putra' in Sanskrit. The word putra is derived from the word 'put' which mean shell, and therefore son is the one who redeems his father from hell, son ship naturally acquired grate importance in Hindu law, since every Hindu ,must have a son, out sages laid down various modes of having sons, in case one failed to have a natural son. This seems to be the reason why our ages defined may type of child and as well as sons. It appears from the dawn of the society, the child has been the person who has been exploited mercilessly, indiscriminately, and child labour has been the cheapest and most disciplined labour. Children have been working at home and outside. In factories and fields, in hazardous occupations, in hotels,

restaurants, and as domestic and it has been seen that boys and girls have been working at an early age of the century's, the working hours have been long, their wages have been meager, so there is need for the welfare of the child is the need of hour to promote and protect their interest in every endeavor. The significance and the importance of the child lie in the fact that the child is the universe. If there was no child, there would be no humanity and there cannot be universe without humanity. Therefore, mankind owes to the child the best that it has to be given. The most precious and beautiful things in world is humble life.

It is God's gift. Human life is a onetime experience and the most important stage is childhood. Child is the father of man and is the future of nation. Do, therefore need to ensure that the children are treated humanely. If there is no proper growth the child today, the future of the country will be dark. The Quality of the life they enjoy today would ultimately determine the quality of future population. Hence children are precious a lot in every endeavour. Very often we ignore the children and hence lose an opportunity to make valuable citizen to the future generation. If a child goes wrong for want of proper attention, training and guidance it will indeed be deficiency of the society and state. Children need special protection because of their tender age, physique and mental facilities.

They are an important national asset and the future well being of the nation depends on their personal growth. They need special law to protect them from exploitation and fraud to save them from certain liabilities and develop their personality in view of their weak position. Both girls and boys have been exploited sexually as well as emotionally as well, there has been another problem of illegitimate children. In some systems they were considered to be fillies' nullius-a child having no parent, no father or mother brought up with society.

The child is also to be protected in litigations. In certain circumstances it may be imperative that a child has to file a suit, or may be someone else has filed a suit against him. Law provides special procedure when child is involved in litigations. So there is a need for examine all aspects of law involving children.

CHILD CARE: A SOCIAL WELFARE

Probably, from the dawn of the humanity, child labour has been rampant. With the industrial revolution in an Europe. A study team of Social Welfare has rightly stated: "The importance of Child Welfare services lies in the consideration that the personality of man is built up in the formative years, and the physical and mental health of nation is determined largely by the manner in which it is shaped in the early stages." It is not an exaggeration to say that the children are the blooming flowers of garden of Society and so, it is our duty to protect these flowers from damaging effects of excessive exposure to heat, cold and rain.

Family is one of the important social institutions and plays a significant role in the care and development of children. Every family is expected to provide all opportunities to children to grow and develop a personality of their own in the most accepted manner of society. A sound family atmosphere both at the home and outside the home including good peer group and good schooling, motivate the child to develop positive attitude for his proper growth and development. Some children are not fortunate enough to have good parental care and sound family atmosphere. Poverty, unemployment, migration in search of employment, attraction for urban life, industrialization are provided to be the potent reasons which make families incapable to provide all basic needs of children. Some children are also deprived of their parental care and affection due to the death of both parents and one of the parents in the family. The family if disorganized in any form definitely affects the interests and development of children. The disorganized

family may be not able to provide education and satisfy other needs of the child. When the family fails to provide all the basic needs of the child, ultimately it becomes the responsibility of the government to care and protect these children in difficult situations for their overall development, so as to fulfill the committed objectives of childcare and development.

In the early times, the joint family and kinship cared for the children. But as days passed the importance of joint family and kinship have proved to be weakened in the caring of children. It is a fact that the nuclear families are on the increase at present in the world scene.

The central government and the state government may by rules provide for the following matters.

- Cleanliness in the place of work and its freedom from nuisance.
- Disposal of wastes and effluents.
- Ventilation and temperature.
- Dust and fumes
- Artificial humidifications;
- Lighting, drinking water,
- Latrine and urinals
- Spittoons
- Fencing of machinery
- Work at or near machinery in motion.
- Employment of children on dangerous machines.

The complexity of life also makes both the parents to work either at the same place of their residence or different places for their livelihood. As a result of this, home becomes a secondary consideration for children in the absence of their parents when they are working outside the home. This situation in fact leads to the creation of orphans, destitute and juveniles in conflict with law. There are various categories of children face many problems when they are out of home. They are as street children, working children, and deprived children, children in need of care and protection and juveniles in conflict with law.

Man is a rational being and law is a system of behavioral cybernetics whose niceties. If perfected too far. May defeat its societal efficacy. So except in pronounced categories, which we will advert to presently, the intent is spell out objectively by the rough and ready test of prudent man and not with physical senility to retarded individuals.

STREET CHILDREN

Street children are those who are seen on streets especially in some crowded places of town or city mainly depending on alms collected by begging or on wages working in any private establishments. These children often

indulge in quarreling, smoking beedies and engage in gambling on stakes. These features are found to be the common scene in most parts of India. These children left home due to various undesirable situations at home. The street children prefer street as the place of their living and live on pavements. These children accept work for meager wages due to their insecurity of life and involve in work activities, which are hazardous to health. The police and municipal authorities because of their unauthorized occupation of city roads and vacant places even frequently arrest them.

Street children usually consume cheap intoxicants like solvents, alcohol, tobacco and ganja and drug abuse is a common thing practiced by most of the street children. Glue Sniffing and solvents are used by the street children and have been reported as a substitute for food (Asian Age, November 18, 1996). Street children do often suffer psychological tensions due to lack of security of life, parental love, malnutrition-related diseases and sexual abuse in several forms.

WORKING CHILDREN

Working children are those in young age who are forced by many reasons to work outside the home. Many parents of lower socio-economic strata encourage children to work in any of the unorganized sectors mainly to supplement the family income due to the utter poverty prevailing at home. These young children are found working in many places like hotels, factories, garages, teashops, wayside restaurants and domestic services. These children are made to work overtime, as their labour is very cheap for the employers. Sometimes chances are also more for these children falling into the clutches of criminals. Rani (1992) views that many children take up shoe polishing, smuggling, stealing, and pick-pocketing or other undesirable activities and live in fear obeying their master and may become hardened criminals as they grow older.

As the families of these children belong to lower economic strata, most of the children are deprived of schooling mainly due to poverty. Dr.Srivastava and Sheriff opined that a large number of children dropout of schools mainly due to the parent's inability to spend money on children's education and also the children's disinterest and parents compelling the children to take up jobs. Children working in unorganized sector usually work for low wages and work overtime. Hence, they cannot show any interest in pursuing their education. Malaviya a researcher views that the dropout rate is higher among girls because girl children are forced to help in household chores. Panicker also opines that however the child labour in any form, it is still a national shame that we not only tolerate child labour but also justify it.

SLUM CHILDREN

Slum children are those who live in the most overcrowded and unhygienic place of environment. Most of the families who live in slums belong to lower socio-economic strata. The children of these families cannot attend school due to utter poverty. The families as well as social conditions in these slums are not conducive for their proper growth and development. Miss L. Shobha a researcher rightly viewed that majority of children suffer by varying degrees of growth retardation in terms of weight and height. These children cannot become good and wise to develop the personality of their own due to the slum culture. These children are also forced to work in order to supplement their family income as well to use their salary for continuing education. Many children often join their

peer group and learn habits of socially disapproval due to bad and insufficient housing conditions. It is the responsibility of the society to protect the children from these situations.

DESTITUTE CHILDREN

Destitute and orphans are the children deprived of their family life, schooling and community life. In some cases children have parents or near relatives but some children have neither parents nor relatives. Children are forced to take up street life for their livelihood. Mukyhopadyaay an author of research oriented article strongly opined that poverty is the main reason, which drives many children from the family life and forces them to be orphans, criminals and beggars. Some children take up begging or live in brothels for their livelihood. Vijay another researcher highlighted the views that those categories of children are abused and exploited either for immoral or illegal purposes due to their acute poverty. These children have fallen to certain social vices like smoking, taking alcoholic drinks and use of solvents for intoxication; they require to be treated with special care and services, failing which they become deviant and unmanageable in their future life. Both government and private organizations run many homes working for the welfare of destitute and orphans. These destitute and orphans are to be admitted to homes to provide all the services for their overall development.

CHILD IN NEED OF CARE AND PROTECTION

A Child in need of care and protection is one who has not been given proper care by his/her parents. The family atmosphere is not good enough for their proper growth and development. Mr. Varma also opines that poverty, having only one parent and being one of the many children in the family, all these causes utter neglect of the child.

Around 30 per cent of the Indian families live below poverty line. In these situations the conditions of children are more pathetic and unbearable; consequently it leads to the neglect of child. Though poverty is not the only cause responsible for the neglect of child, it will certainly influence the child to suffer from inability to get the needed resources for the children. These neglected children need to be cared by providing a sound atmosphere in the institutions so as to have proper growth and development.

DEPRIVED CHILDREN

Deprived children are those who have lost the essential aspects of family life in their childhood. Kilmer Pringle in his finding in an research has classified these children in three ways. According to him, first, the child who is living in residential care either for long period or permanently is deprived of family life, second, if a child is not loved and rejected by his/her parents especially the mother, the child is likely to suffer emotional deprivation and third who is growing in a home which is culturally and educationally un-stimulating will be handicapped by environmental deprivation.

Stark poverty and Ravindran Nair concerned about the illiteracy and traditional value system do have often deprived the child of opportunities for its proper growth and development. These children venture on streets due to the deprivation of family life and parental love and affection. When they venture on the street, they have to either depend on begging or forced to work in unauthorized sectors. These children cannot have the personality of their own due to bad surroundings and peer group influence. They often mingle with other boys of the street and learn bad

vices. These deprived children are to be protected from all sorts of moral dangers and from situations of exploitations. Such children are to be placed in the institutions for their future rehabilitation and overall development only when the family environment is not sound and conducive.

JUVENILES IN CONFLICT WITH LAW

Juveniles in conflict with law are those whose behavior seems to be a danger to society or come in conflict with law. These juveniles have committed a specific offence under existing law or supposed to be an offender under a specific law. In the early times juveniles used to commit offences for several reasons and were punished the same way as adults. There was no discrimination between adults and juveniles so far as punishment was concerned are crucial and complex. As days passed gradually the societal reactions in respect of juveniles changed from punitive to reformation and rehabilitation. Hence, the problem of juvenile delinquency is one of recent origins. An act, which is deviant in society, may not be so in another and similarly the age at which a person is considered delinquent differs from one legal system to another, Nagaraju in his research also opined rightly views that all the deviant or criminal behaviors of children are not reported, so that it is not possible to understand the real magnitude of the problem of juvenile delinquency. Many factors are like broken homes, frequent quarrels among parents and drunkenness, low income and bad housing conditions, which favor a person to be active delinquent.

In India and many other developing countries there is a general neglect towards the needs and welfare of child. But in the developed countries, the cases of juveniles referring to Juvenile Court is increasing every year irrespective of the high standard of living and providing education fairly up to high age. In fact, it is more deep-rooted and complex in many ways when compared to developing countries with developed countries. There is also lacking in an implementation of schooling programmes, it is submitted that the parents should be made to realize and the education should be relevant in today's socio-economic conditions of the age of computer and internet. The high percentage of dropout' may be checked if proper facility of food, books, uniform and appropriate medical facilities in school premises are provided to children.

PREVENTIVE MEASURES

The problem of child exploitation is grave. How to check this problem is the important idea. The nation should be conscious about the well being of child. National policy for the welfare of children should be framed and implemented so as the future citizens may grow physically fit, mentally alert and morally healthy." Framing of the policy on paper is not enough, its proper implementation has to be reviewed periodically passes the development in this direction. The forums and the institutions of which the implementation is possible had to be identified.

Secondly, the abolition of child labour is not possible in India keeping in view the socio--economic conditions of a larger group of citizens. The only thing for the protection of the children is the regulation of child labour by providing healthy and hygienic condition at work. Proper Training particularly job oriented should be imparted to them in the programmers as implant training.

Thirdly, the government should pay due respect to its instrument of accession adopted on as per the international convention. The Rights of the child has concluded by the United Nations General Assembly. The

economic social and cultural rights should be reviewed to the extent of available resources and within the framework of instrumental co-operation.

“Education is another measure by which the exploitation of children can be prevented. Indian constitution is fully alive of this fact and the judiciary has also recognized the sanctity of the right to education. Article 45 was inserted in our constitution casting a duty on the state to Endeavour to provide free and compulsory education to children.”

Legal Aid and Advice Board as emphasized in the case of K Chandra Segarm V. State of Tamil Nad-U-41 should be activated in supervising the proper implementation of labour laws in the State.

In case where no reasonable care has been taken during the course of employment of child labour, compensation is awarded to child labour for his her exploitation so as to make up the deficiency caused by exploitation. Before making order for compensation an opportunity of being heard should be given to the employer also. The guarantee of compensation as shown in M.C. Mehta Case is reasonable in every respect thereon too.

CONCLUSION AND SUGGESTIONS

In the light of the discussion there is sufficient evidence of our judiciary's dynamic role is recognizing, protecting and even imparting great meaning to the definition of human rights of the children through various directions to the states. But unfortunately there have been countless instances to substantiate the charge of inaction against the government machinery and pronounced lack Of WILL 11 against our body politic, which together have been very advancing allies and an inking over the implementation of enactments and valuable judicial initiative in such an important area.

There are suggestions for the abolition of child labour. But without proper implementation of socio--economic programmers of the government, the abolition of child labour is not possible unless financial security to poor is not ensured. They will I I not be able to send their children to school. Education could end the exploitation and torture of hundreds of children.

It is also convincing that government alone cannot eliminate the gigantic child labour problem but the social ethos can be changed gradually. The parents are not motivated to send their children for schooling. What they look for is in terms of gain through the child labour. But they should be made to realize that only education can give a better livelihood at least for their younger generation. It is submitted that preference should be given in employment to the children whose parents had never been in government job in accordance with their abilities. It is suggested that the incentives to the parents will make them realize the importance of child education which may in the long run be proved to be life saving drug, free from all kinds of adulteration, for preventing the innocent buds from being withered un-bloomed.

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