

Research Paper



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CHILD'S RIGHT TO DIGNIFIED LIFE



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“We want the peace of the brave for our children and for their r children, for a bright future where they can live and learn. Yasser Arafat Quote - Peace - Brave - Child - Bright - Future -Life - Learning Quotes”

The rights place an obligation on the state, and most importantly in this context on Governments to protect and promote the development of children. They also entitle children to claim certain things that will allow them to meet their basic needs, live with dignity and enjoy freedom from both want and fear. The ultimate object of child right's is to protect children from actions that undermine their dignity and to promote actions that bring about a decent quality of life for children.

Dignified life means

To value his own good opinion, a child has to feel that he is a worthwhile person. He has to have confidence in himself as an individual.

Sidonie Gruenberg

Dignity is like a perfume; those who use it are scarcely conscious of it.

Christina

According to this article right to life means the right to lead meaningful, complete and dignified life. It does not have restricted meaning. The object of the fundamental right under Article 21 is to prevent any restriction by the State to a person upon his personal liberty and deprivation of life except according to procedure established by Im,v. The meaning of the words “personal liberty” came up for consideration of the Supreme Court for the first time in A.K. Gopalan v.

Union of India. The scope of Article 21 was a bit narrow at that time. In this case the Supreme Court held that the word deprivation was construed in a narrow sense and it was held that the deprivation does not restrict upon the right to move freely which came under Article 19 (1) (d). Finally, in Maneka Gandhi v. Union of India, the Supreme COUli has overruled Gopalan's case and widens the scope of the words “personallibeliy”,

I which is as follows:

“The expression personal liberty in Article 21 is of widest in nature and it covers a bundle of rights which go to constitute the personal liberty of man and some of them have raised to the status of distinct fundamental rights and given additional

Unni Krishnan v. State of A.P. and the Apex Court itself provided the list of some of the rights covered under Article 21 on the basis of earlier pronouncements and some of them are listed below:

- (1) The right to go abroad.
- (2) The right to privacy.
- (3) The right against solitary confinement.
- (4) The right against hand cuffing.
- (5) The right against delayed execution.
- (6) The right to shelter.
- (7) The right against custodial death.
- (8) The right against public hanging.
- (9) Doctors assistance.

It was observed in Unni Krishnans case that Article 21 is the heart of Fundamental Rights and it has extended the Scope of Article 21 by observing that the life includes the education as well as, as the right to education flows from the right to life.

As a result of expansion of the scope of Article 21, the Public Interest Litigations in respect of children in jail being entitled to special protection, health hazards due to pollution and harmful drugs, housing for beggars, immediate medical aid to injured persons, starvation deaths, the right to know, the right to open trial, inhuman conditions in aftercare home have found place under it. Through various judgments the Apex Court also included many of the non-justifiable Directive

Principles embodied under part IV of the Constitution and some of the examples are as under

- (a) Right to pollution free water and air.
- (b) Protection of under-trial.
- (c) Right of every child to a full development.
- (d) Protection of cultural heritage.

There are many obstructions to achieve the dignified life of child

Such as:

Child Labour: Child labour is an issue which has always been seen as a diabolic evil in the society. It is a vexed issue, since it is seen to destroy the childhood of many innocent souls. A childhood which is meant to play, to study and enjoy the little joys of life is wrecked by the evil of child labour. Child labour is disquieting not just because of its nature, but because of its target i.e. children. They are the future human resource of our country and have to blossom to their full potential by the right inculcation of values, habits and education.

Poverty: Many Indian children suffer from poverty; more than 50% of India's total population lives below the poverty line, and more than 40% of this population are children. Reasons for this are embedded in India's social structure: first children are taught to accept the conditions which produce poverty, and then they perpetuate those conditions. If they are poor, Indian children and their families will do anything they can in order to survive. Often, this means repeating for themselves in generating the conditions in which their ancestors came into poverty. We contend that the following three conditions have caused India's poverty for many generations: (1) traditional cultural values, (2) discrimination, and (3) the societal oppression of children's ability to create change.

Children are first born into the experience of poverty. Then, they reproduce it.

Corporal Punishment:

The latest directive by the National Commission for Protection of Child Rights has broadened the definition of corporal punishment to include acts that were hitherto regarded as "benign" ones meant to discipline children. Slapping, rapping on the knuckles, making students kneel, locking up a student or making a child run in the school is now regarded as corporal punishment. A teacher can even be jailed for calling a child "idiot" or "stupid", according to the directive sent to all secretaries of States.

Sexual exploitation

Drug Addiction

Divorcee Parents etc.

Education, a powerful tool to empower people to live a dignified life: PM Newstrack India 2009-11-03

New Delhi, Nov 3 (ANI): Prime Minister Dr. Manmohan Singh on Tuesday said that education is a potent and powerful tool for empowering people to lead a life of - gignity , and ls.oJ ss ntial -for achieving sustained. high- .e—eenomic, -gFovlth.

Addressing a special convocation of Punjab University in Chandigarh, Manmohan Singh said: "We live in an age where human knowledge is increasing... Unni Krishnan v. State of Andhra Pradesh [4] the Supreme Court observed that Article 21 has been interpreted by this Court to include the right to live with human dignity and all that goes along with it. The 'right to education' is concomitant to the fundamental rights enshrined in part III of the Constitution. The State is under a constitutional mandate to provide educational institutions at all levels for the benefit of citizens. The benefit of education cannot be confined to richer classes. By this judgment the Supreme Court expressed its opinion that without enjoying the right to education a citizen will not be able to live a life with dignity.

Conventions

The United Nations Convention on the Rights of the Child often referred to as CRC or UNCRC, is an international convention setting out the civil, political, economic, social and cultural rights of children. Nations that ratify this international convention are

bound to it by international law. Compliance is monitored by the United Nations Committee on the Rights of the Child which is composed of members from countries around the world. Once a year, the Committee submits a report to the Third Committee of the United Nations General.

Assembly, which also hears a statement from the CRC Chair, and the Assembly adopts a Resolution on the Rights of the Child. [4]

The Committee on the Rights of the Child (CRC) is the body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties. It also monitors implementation of two optional protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. In 1989, world leaders decided that children needed a special convention just for them because people under 18 years old often need special care and protection that adults do not. The leaders also wanted to make sure that the world recognized that children have human rights too.

N.G.O.

The NGO Group for the Convention on the Rights of the Child is a network of 80 international and national non-governmental organizations, which work together to facilitate the implementation of the United Nations Convention on the Rights of the Child. It was originally formed in 1983 when members of the NGO Group were actively involved in the drafting of the Convention. Since the adoption of the Convention, the NGO Group has been supporting the work of national and international NGOs as well as the Committee on the Rights of the Child to monitor and implement the Convention and its Optional Protocols.

Conclusion—In spite of many Conventions and enacted laws there are still going continuous violation of the Rights of the Child. Children had suffered, now they are suffering, so there is urgent need for effective measure and stringent laws to be implemented. There is an urgent need to take care all the Governmental organs as well as to the Parents if they want to save the right's of the child, to provide the dignified life of child. The condition of the child having drug addicted Parents is very worse. Such children can never get the dignified life. Children of addicted Parents are more at risk for alcoholism and other drug abuse than are other children. So there is the need to take care of the Parents to save the right and life of the child.

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