

Children's rights and Media in Indian Milieu

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Introduction

Human Rights have become central to the perception of present day society. They have become important political instruments for the denunciation of governments, states and parties. Human Rights are a central bee in the bonnet of a medium which wants to alarm the public. Human Rights can be defined as the rights which are inherent in nature and can be enjoyed by anyone irrespective of any sort of discrimination for being a human. In another sense, Human rights are the fundamental rights that humans have by the fact of being human, and that are neither created nor can be abrogated by any government (<http://www.businessdictionary.com/definition/human-rights.html#ixzz374YpbC2C>).

Thus, Human Rights are the rights which give people the instruments. This implies to the potential and the ability to protect the established rights of the people in the courts. The more powerful these courts are, the more independently they work and the more accessible they make themselves, thereby ensuring the better protection of human rights in that country.

Way back to the history of Human Rights, before 165 years somewhere around 1849, the German Parliament, the Reichstag drafted directory of Human Rights. To complete this task, the Parliament wanted to give the Kaiser or Emperor democratic authority

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by giving him the crown itself. "The Kaiser refused: a Kaiser, the Kaiser by divine grace, cannot be offered a crown by a parliament elected by the people!" (Thomas Fleiner 1999, 14)

The kings of the Middle-Ages saw themselves as rulers by divine grace, rulers who governed the people in the service of God. Every act of state was taken in the name of God. In a system like this, where someone makes the rules by heavenly refinement, there is no room for Human Rights. The king is supreme ruler and is not subject to the law lords. The idea that people have sacrosanct rights is found in many philosophies and cultures around the world. The entrenchment of Human Rights in a written document first occurred in the form of English Magna Carta of 1215. Despite the declaration of their belief in Human Rights, the princes, with their right to rule, never allowed themselves to be controlled. They always expressed the view that Human Rights would be protected whenever seen by the princes themselves (Ibid).

As far as Children specific rights are concerned, in the archaeological find, nobody thought to give special buttressing to children. In the Middle-Age, children were considered as small adults (Donald J Shoemaker 2009, 12). Nonetheless, in the middle of the 19th century, the idea appears in France to give children special shield, enabling the progressive growth of minors' rights. Since 1841, laws start to protect children in their workplace (Peter N Stearns 2012, 88).

The Universal Declaration of Human Rights (UDHR) was consequently formulated from an initial outline produced by John Humphrey (Daniel Moeckli et al 2010, 35), and a British Draft. Following many sessions of the drafting committee and approval by the plenary commission, on 10 December 1948, the UDHR was stated publicly by 48 states in the UN General Assembly. Undeniably, the years 1948 and 1949 proved to be significant ones for Human Rights standard-setting. Ultimately, the Universal Declaration of Human Rights made the universal applicability of Human Rights, which is expressed in the preamble, where the declaration is proclaimed "as a common standard of achievement for all peoples and all nations" (<http://www.un.org/en/documents/udhr/>). The universality of the pronouncement is also

noticeably expressed in its first two articles enouncing the ideology of equality and non-discrimination. Article 1 of UDHR states that "all human beings are born pre and equal in dignity and rights" and first paragraph of Article 2 of UDHR states that "everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Eva Brems 2001, 5).

From the other corner, the United Nations Convention on the Rights of the Child (UNCRC) came into force on 02 September 1990 (Michael Freeman 2012, 363). Indian Government ratified it on 12 November 1992 (Neela Dabir et al 2011, 147). UNCRC starts out what governments and individual citizens should do to promote and protect the rights of all children. By signing the UNCRC, Indian Government has steadfast itself to ensuring that children can grow up in safe and supportive conditions, with access to quality education, health care, and a good standard of living. UNCRC concedes children's rights to express their thoughts and opinions freely, to play and form their own clubs and organisations, to access information and to make their ideas and information known.

According to the Convention on the Rights of the Child, "all people under the age of 18, unless by law, majority is attained at an earlier age" (Sophie Jeleff 1996, 67), is called a child. The Convention on the Rights of the Child has been ratified by all states around the globe except Somalia and the United States of America (Thoko Kaime 2011, 7-8) meaning that it is a fundamental document within the international legal obligations of these countries. Given the CRC's focus on both international prescriptions as well as respect for the local cultural values of India, there is a need for proper conceptual framework for elaborating children's rights within local cultural contexts. This chapter will attempt to elucidate such a framework on children's rights.

Further, human rights in general and children's rights in particular are going ground within the guarantees of Indian constitution and legalisation in the world. Children everywhere suffer a lot from deleterious cultural practices and notions which enjoy more legitimacy

than norms of international children's rights. At this juncture, there is a need for the mass media to take up this issue seriously and should campaign for the better practicing of the children's rights so that the very purpose of guaranteeing of such rights would be meted out. It is, therefore, intended to discuss in this chapter about the laws and policies governing children's rights in both international arena and in India, whilst discussing the guidelines framed by the International Federation of Journalists (IFJ) in the backdrop of the key issues of Indian Children.

Children and News Coverage in Indian Perspective

There is no doubt that the present time we live in is a media-obsessed era. Given the huge numbers and formats in media, post-globalisation, opportunities to raise issues and encourage interactivity have grown at a never-before rate. But even as children appear more and more in news coverage, their voice finds little or no representation. News reporting that ignores child rights often further exacerbates the injustice towards them.

However, in general, UNCRC sees the role of the mass media as a positive one in the development of the child. Under Article 17: States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

Also, UNCRC encourage States to protect children from exploitation or sexual abuse. Under Article 19: 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, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child.

Furthermore, Article 34 says that States must protect a child from all forms of sexual exploitation and abuse, and specifically the exploitative use of children in pornographic performances and materials ((<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>)).

A Need for Law Reform in the Interest of Children

Since beginning of this millennium, there has been a gush of legislative initiatives on the issue of children's rights. Still, a lot needs to be done. The policies need to be reviewed at regular intervals as the violation of rights turn to be dynamic in nature. The law on child sexual abuse and paedophiles is the need of the hour. India has become a haven for paedophiles because of its slipshod laws. Child labour is taking different forms like child artists and vagabond child labour; and the law must be kit out to deal with such changes. Enacting child-friendly legislation to ensure a meeting of laws on education and child labour should also promise education of equitable quality to every child in India. There is also a need for national legislation on corporal castigation.

A flagrant relationship exists between the children who go missing and those who are involved in the forced labour and trafficking. So, there is a need to study (government authorities and universities may take up the task, exclusively) adequately about the relationship between the missing children and those involved in forced labour and trafficking. On an average, more than 40,000 children in India are reported missing every year. According to the National Human Rights Commission (NHRC), in 2005, on an average 44,000 children went missing out of which 11,000 remained untraced. (<http://www.childlineindia.org.in/missing-children-india.htm>).

The existing laws do not speak about the mental health treatment of rescued and victimized children. Even this is a challenge as far as the children's laws in India are concerned. Child participation should be done in an authentic and meaningful manner. An initiative must come from children themselves, on their own terms, within their own realities and in pursuit of their own visions, dreams, hopes and concerns.

Succinctly, though there are many laws governing the children's rights, in India all such things have become only show pieces to a great extent. Despite many efforts put in by the concerned authorities, there is still a vacuum created as far as the implementation of the children's rights is concerned. The vacuum can be filled only by the media; and for the same, there is no swap available. The following

four-step action plan when effectively implemented may prove certainly effective in addressing this crucial issue and minimise the losses concerning children. Fig 1 gives the pictorial denotation of the mentioned four-step action plan.

- Step-I : Procuring information and data on policy development
- Step-II : Evidence for effective strategies to draft guidelines
- Step-III : Determine suitable measures for action including selection of media and allied issues
- Step-IV : Roles and responsibilities of all stakeholders involved in the process

These four steps are interrelated to each other and is a cyclic process. In this era of Satmass Media (Suman K Kasturi 2013, 183), there is so much of possibility for disseminating the information to the children so as to make them educated on the available laws concerning them. The education on the children's rights should begin from primary standards. Furthermore, the role of media is not limited to educating the children alone, but it should also focus on other stakeholders - both who are responsible for safeguarding the children's rights, as well as those who violate the children's rights. The accepted journalistic ethos should be followed at all instances.

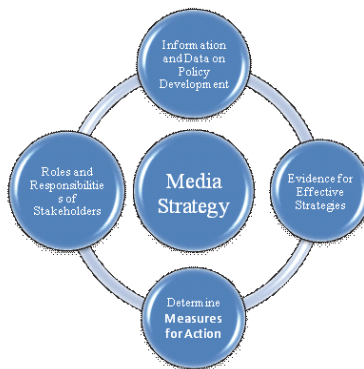


Fig 1 Four-Step Action Plan

(Source: Personal file of Dr. Suman Kumar Kasturi)

Conclusion

Appreciably, law is one of the many responses to social change. In certain respects it is the most imperative since it represents the authority of the state and its endorsing power. Through legislative or administrative responses to new social conditions and ideas, as well as through judicial reinterpretations of constitutions, statutes, or standards, the law increasingly not only articulates but sets the course for major social changes. Clearly, the prospects for change led by law may be limited because children's status depends on shifting the connections between the family, society, and the economy more broadly. In this sense, realizing children's rights remains reliant on other social changes.

Though there are many acts and policies in force concerning the children's rights, most of them are not known to most of the people, including the media authorities. The lawmakers must understand the nature of complex social ties on which the cohesion of society depends. Law has come to be seen as an independent agent of social change and social direction. There is a need to disseminate the information tolerably to the concerned else it's of no use!! The support of media should be taken by the government to focus much on the children's rights for their effective utilisation.

Considering it as a social responsibility, the media channels should volunteer to take up such tasks of promoting children's rights, thereby contributing their best for the betterment of children in general and the society as a whole. Journalists should put to critical examination the reports submitted and the claims made by governments on implementation of the UN Convention on the Rights of the Child in their respective countries. The media should not consider and report the conditions of children only as events but should continuously report the process likely to lead or leading to the occurrence of these events.

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