



CORPORATE HOUSES FOR PROTECTION OF CHILD RIGHTS IN INDIA

Dr.D.Srinivasa

Guest Faculty, Department of Social Work, Sir M.V.PG Centre of University of Mysore, Manasagangotri, Mysuru-570006, Karnataka, India

Pradeep B.S

Assistant Professor, Department of Social Work, Davanagere University, Davanagere, Tholahunase, Davanagere, Karnataka 577002, Karnataka, India

ABSTRACT

India is always in the forefront in developing policies and programmes keeping in view the best interest of the children. India has demonstrated its commitment to child development by becoming to a signatory to the UN Convention on the Rights of the Child (1989) and ratified the same on 11th December 1992. The rights of the child include many dimensions. To be more specific, the rights include- right to family life; right to be protected from violence; right to have a say and be respected; right to health, and right to education. The rights also include protection to these children living in difficult circumstances. The children should have the freedom from discrimination on the basis of the race, gender, sexual orientation, gender identify, national origin, religion, disability, color, ethnicity and other considerations. The child rights have to be protected by the various stakeholders such as parents, teachers, educationists, community leaders, social workers, doctors, law enforcement authorities, judicial authorities, media professionals, policy makers, government officials, organizers of non-government organizations and corporate houses. The Indian Corporate sector has adopted certain healthy practices for child rights protection. Today more and more consumer goods industries especially either western multinationals or those having western links seem to have adopted a cohesive strategy which addresses the issue of child labour from a child rights perspective. The paper evaluates the role of corporate houses in the protection of child rights.

KEYWORDS: *Child Rights, Corporate Houses, Constitutional Provisions, Corporate Social Responsibility*

INTRODUCTION

The children were not considered as an important constituency by the stakeholders of child rights protection. They were for the most part regarded as inferior and subordinate to adults and childhood was a miserable period of life. The issue of child rights has been discussed since 1920s internationally. The childhood was regarded as a relatively sacred part of life among many scholars. The Geneva Declaration of the Rights of the Child of 1924 clearly indicated that the children also have a right to be protected from all kinds of abuse and ill treatment in a social environment. The League of Nations adopted the Geneva Declaration of the Rights of the Child in 1924. It enunciated the child's right to receive the requirements for normal development, the right of the hungry child to be fed, the right of the sick child to receive health care, the right of the backward child to be reclaimed, the right of orphans to shelter and the right to protection from exploitation. The children are entitled to the same general human rights as adults. The 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. The Convention on the Rights of the Child (CRC) is the first legally binding international instrument to incorporate the full range of human rights—including civil, cultural, economic, political and social rights.

CHILD RIGHTS PROTECTION IN INDIA

The inequality has become an unhealthy feature of Indian society despite 70 years of national independence and implementation of various development programmes. The social and economic inequities continue to exist in India. The children and other vulnerable sections of Indian society have become the worst victims of circumstances. The child rights are also violated due to these constraints manufactured by the system in India. In reality, about 12.6 million children engaged in hazardous occupation which has made India home

to the largest population of child laborers under the age of 14 in the world.

Children below the age of 18 years account for nearly 40 per cent of India's population. In reality, enabling all children to realize their full creative potential is critical for sustaining India's economic growth and accelerating human development. Millions of children in India continue to face basic challenges of survival and healthy development since they belong to families and communities that need to have access to resources and services, as well as capacities to ensure realization of their rights.

The number of girls in the 0-6 age group is declining in India. For every 1000 boys there are 927 females in the country. About 20 children out of every 100 are school drop outs. About 70 children out of 100 leave the school at the secondary level. There are about 66 girls out of 100 children who are drop outs. About 65% of the girls in India are married by the age of 18 and become mothers soon after. India is the home to the largest number of child laborers in the world. India also is the world's largest number of sexually abused children.

The children constitute the most vulnerable section of society in India. The socio-economic conditions are mainly responsible for the violation of child rights in different forms. The practice of child protection has undergone a significant change when seen from a historical perspective in India. The Indian Constitution accords the rights to children as citizens of the country. The Constitution encompasses most of the rights of the children included in the UN Convention on the Rights of the Child under the headings of Fundamental Rights and Directive Principles of State Policy. India has made significant commitments towards ensuring the basic rights of the children.

Despite Constitutional guarantees of opportunity and civil rights, millions of children face wide-spread deprivation and discrimination. A large part of this stems from being seen through the lens of adults who make decisions for them, and who prefer to address their welfare rather than their rights. The children face discrimination on the basis of caste, religion, ethnicity and religion despite several constitutional provisions and enactment of laws in India (Thukral, 2004).

India continues to have the highest child labour in the world. The existing law on child labour is not able to prevent children who working harmful sectors and occupations. The children continue to remain at the receiving end in India even after the enactment of Child Labour (Prohibition and Regulation) Act, 1986 (Ali et. al. 2005).

The Indian children are behind the children of other countries in terms of healthcare, education and other facilities even though India races towards achieving superpowerdom in the new millennium. The Indian children are confronted with malnutrition, anemia and other disadvantages. The educational and health status of Indian children is not satisfactory according to the human development index. The immunization level is also not up to the mark. Early marriage is also haunting the development of children in India (National Commission for Protection of Child Rights, 2014).

India is home to 472 million children under the age of 0-18 years, comprising 39 percent of the country's total population. Out of the 128.5 million children residing in urban areas, close to 7.8 million children under the age of 0-6 years still live in abject poverty and poor conditions in informal settlements, making it imperative that we plan and build

sustainable and inclusive cities from their perspective. The Census 2011 data was a call for urgent action, because this highlighted that the girl child is increasingly being excluded – not only from economic development and growth – but from life itself (Cool, 2015).

The failure to capitalize on new opportunity will not only leave many millions of Indians living in poverty - especially the 7.8 million young children growing up in slums - it will jeopardize the overall economic potential of cities. The solution to the sprawl, inadequate amenities and lack of proper social infrastructure lies not only in effective service delivery but in improved planning. The stakeholders of child development should develop a new perspective to child development in India (Patnaik, 2016).

CONSTITUTIONAL PROVISIONS

The Constitution of India has accorded certain rights to children as citizens of the country. The Constitution practically encompasses most rights included in the UN Convention on the Rights of the Child and Directive Principles of State Policy. Unfortunately, the Directive Principles of State Policy are not justiceable rights under the present situation. The government is free to undertake suitable legislative and administrative measures to ensure children's rights in India. But, these directives have enabled the judiciary to give some landmark judgments promoting children's rights.

The specific constitutional provisions for the protection of children in India include:

- Article 14 guarantees equality before law to all citizens including the children.
- An article 15 guarantee right against discrimination and affirms law to one and all.
- Article 24 provides that no child below the age of 14 shall be employed to work in any hazardous employment.
- Article 29 ensures the rights of minorities for protection of their interest.
- Article 37 ensures that the government has the flexibility to undertake appropriate legislative and administrative measures to ensure children's rights.
- Article 39 (e) of the Directive Principles of State Policy provides that children of tender age should not be abused and that they should not be forced by economic necessity to enter vocations unsuited to their age or strength.
- Article 39 (f) of the Directive Principles of State Policy requires children to be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth be protected against exploitation and moral and material abandonment.
- Article 45 of the Directive Principles of State Policy provides for free and compulsory education for all children until their complete the age of 14.
- Article 46 recognizes the right of weaker sections of the people to be protected from social injustices and all forms of exploitation.
- Article 47 provides the right to nutrition and standard of living and improved public health.

GOVERNMENT POLICY AND LAWS

The Government of India has enacted certain laws to protect the interest of children before and after independence. Prominent among them include -

- Reformatory Schools Act, 1897
- Child Marriage Restraint Act, 1929
- Children (Pledging of Labour) Act, 1933
- Young Persons (Harmful Publications) Act, 1956
- Children Act, 1960
- National Policy for Children in 1974
- Child Labour (Prohibition & Regulation) Act, 1986
- Infant Milk Substitutes Act, 1992
- Infant Milk Substitutes, Feeding Bottles & Infant Foods (Regulation of Production, Supply & Distribution) Act, 1992
- National Nutrition Policy 1993
- Juvenile Justice (Care & Protection of Children) Act, 2000
- National Policy for the Empowerment of Women 2001
- Infant Milk Substitutes Act, 2003
- Infant Milk Substitutes, Feeding Bottles & Infant Foods (Regulation of Production, Supply & Distribution) Amendment Act, 2003
- Commissions for the Protection of Child Rights Act, 2005
- Juvenile Justice (Care & Protection of Children) Amendment Act, 2006
- Prohibition of Child Marriage Act, 2006
- Protection of Children from Sexual Offences Act, 2012
- National Policy for Children 2013
- National Early Childhood Care and Education Policy 2013

These policies were formulated with a view to ensure women's safety, protection and empowerment, improving the child sex ratio, ensuring child protection and preventing and reducing maternal and child under nutrition and controlling anemia across the life cycle. There was a shift of focus from child welfare to child development. The policy was intended to ensure effective services for children in the areas of education, health, nutrition and recreation with special emphasis on the weaker sections of society. The Government of India has taken a number of measures related to child rights protection and child development in India. The Ministry of Women and Child Development was established on a full-fledged basis.

Huston et. al. (1989) evaluated the policy implications on child welfare and development. The study revealed that major policy battles in the United States were fought over television programming for children since they are vulnerable and malleable. The scholar suggested that various citizen groups and advocates of child rights should be vocal in pressing their demands for better television programmes for children.

Flynn (1989) explored the issue of child abuse across the globe. The study revealed that media campaigns brought about more equitable and effective child protection policies and practices across the world. The scholar pointed out that media did not focus familial categories of child abuse such as abuse perpetrated by parents, guardians, step-parents and other relatives.

Anderson (1989) investigated the origin, emergence and professional recognition of child protection. The study revealed that the issue of child protection attracted international recognition and paved the way for conduction

of social case works in America and other parts of the world. The scholar stated that case workers in all fields of practice started reaching out to resistive clients through aggressive case work. The scholar suggested that social case work should be integrated with other functions concerning child rights protection in modern society.

Rao (2006) evaluated the problem of child labor with reference to policy issues in Indian society. The study revealed that several constitutional and legal provisions were not promptly implemented in Indian society for the protection of child rights due to absence of social awareness and political activism. The scholar remarked that media institutions and judicial organizations played an important role in creating awareness among the policy makers about child rights protection. The scholar suggested that government and non-government agencies should work together in order to eradicate the problem of child labor in India.

Doane and Holder (2007) examined the relationship between the corporate social responsibility and child rights protection. The study revealed that the governments around the world had increasingly favored the CSR approaches to child rights protection. The scholars noted that the voluntary initiatives of corporate houses had made some progress in encouraging more ethical corporate practice in relation to child rights protection. The scholars suggested that the enforcement regimes of all codes must be strengthened to penalize companies which failed to protect child rights and violated voluntary codes of conduct.

FamiLife Staff (2015) conducted a study on the measures taken by the Government of India for child rights protection in accordance with the Constitution of India and UN Convention on the Rights of the Child. The study revealed that the rights based perspectives were not integrated with the national policies and programmes for child rights protection. The study suggested that the unlawful occupations of children which cost their lives and interests should be prevented in India and the employers should be punished under the adolescent in a hazardous occupation provision.

Government of India (2016) examined the National Plan of Action for Children in 2016. The study revealed that the state and district plans would focus on achieving the desired outcomes through convergence and co-ordination between Central, State and local level initiatives. The document highlighted the need to give greater space for receiving and incorporating feedbacks from community to enhance accountability in public services. The document suggested that state/UTs governments should provide adequate financial resources and human resources for effective implementation of the child development programmes in India.

INTERVENTION OF CORPORATE HOUSES

Corporate Social Responsibility has become an institutionalized obligation of modern corporate houses. There is a recognition that CSR should be congruent with the mainline business strategies of the corporations and should not be seen as a nonstrategic, public relations type of exercise. The Indian Corporate sector has adopted certain healthy practices for child rights protection. Though the initiatives are specifically targeted at children, the approach is still very welfare oriented (Karkara, 2007). Today more and more consumer goods industries especially either western multinationals or those having western links seem to have

adopted a cohesive strategy which addresses the issue of child labour from a child rights perspective.

The CSR initiatives of modern corporate houses simply follow the welfare approach. The programmes seldom involve children as social actors and partners in their own development. These organizations should build partnerships with the government and civil society institutions to make the initiatives more effective. They should enter into a dialogue with some of the companies having a very progressive outlook both in its management philosophy and CSR initiatives (Godbole, 2007). They must adopt healthy practices of other houses in order to achieve the goal of child rights protection and enhance their reputation in modern times.

The business policy and action can have a very significant impact – both positive and negative – on children’s rights. The impact is felt through policies and practices in the workplace, the products they produce and how they market them, and the way they act in the communities in which they operate. The use of aggressive marketing may exploit children’s vulnerability since the unsafe products in the marketplace can be dangerous for children. Proactive steps need to be taken to make children aware of non-judicial mechanisms available to them (Sheahan, 2011). The children should be informed of progress at all stages of the process giving due weight to the child’s maturity for effective protection of child rights.

The corporate social responsibility deals with the protection of the quality of life of people and planet for future generations. It is indeed a child-friendly concept which matters most in the present times. The large corporations have undertaken the marketing activities which are consistently and deliberately targeted at children in a way which puts their lives at risk. The continuous stream of stories in the media of human rights abuses of children in supply chains should alert us to the fact that business can and does pose many threats to our future generations (Cohen, 2012). In the age of globalization, the corporate houses are required to demonstrate Corporate Social Responsibility by providing children-specific goods and services. These corporate houses are also responsible for creating necessary opportunities for the empowerment of children in association with government agencies and non-government organizations.

The recent survey on the role of corporate houses in child rights protection reveals a different picture. During the last couple of years, the corporate houses have resorted to corporate engagement beyond the philanthropic approach. These houses have become more aware of the rights of the children which is an important focus as part of sustainability. The corporate houses have not accorded a high priority for child rights protection which is revealed by the budgetary allocations and implementation of child rights centered programmes (Smedley, 2013).

The business activities adversely impact the rights of children more than adults. Modern corporate houses have not given a serious thought to the positive and negative impacts they cause indirectly on child rights through suppliers, customers and other business partners. They have not realized the fact that children are both rights holders and stakeholders as companies interact with them on a daily basis as workers, consumers and community members. The incorporation of children’s rights into business policies and codes of conduct is often limited to child labour. The corporate houses have to

prioritize focus areas for children’s rights based on its assessment of impact, materiality and stakeholder relationships (Rutgers, 2013).

Consideration of the rights of children should be integral to any Corporate Social Responsibility strategy or policy. The companies should keep in mind that respecting and protecting children’s rights extends far beyond the use of child labor. A robust CSR strategy should reflect a comprehensive understanding of the many ways by which businesses may adversely impact children’s rights. The children should have access to clean water, sanitation, food, or health care which affect a child’s growth and development. The CSR principles illustrate that companies can impact the rights of the child through actions in the workplace, the marketplace, the community, and the environment. The corporate houses should contribute to the elimination of child labor, including in all business activities and business relationships. Developing and implementing strategies or policies to protect the rights of children can improve a company’s reputation and reduce its risk of liability (Stewart, 2015).

The protection of child rights and ensuring equal opportunities to them required a strong and robust partnership between public and private agencies. The parents, teachers, members of civil society, NGOs, volunteers, philanthropists, international development partners, media and corporate houses have to play their constructive role towards promotion and protection of the rights of children (Hussain, 2016).

The child rights can be protected on the basis of active stakeholder engagement which is a never ending mission. The state should interact with the affected groups and other relevant stakeholders for designing suitable strategies for child rights protection. Constant monitoring and evaluation of child rights violation can effectively contribute to potential or actual impacts on children’s rights. The state should therefore consider children as a priority stakeholder group since they are the most vulnerable population, requiring specific attention. The organizations or individuals who are in close contact with children should create opportunities to promote a positive group dynamic in the present times.

EPILOGUE

A new generation of social workers has emerged on account of scientific social work management in the world. The present study evaluates the role of Intervention of Corporate Houses in the protection of child rights with special reference to Karnataka state. The children are regarded as subjects or actors with a set of interest which they can and should define and defend for themselves. The scholars have made the distinction between protectionist and liberationist approaches to child rights. The United Nations Convention on Child Rights Protection (1989) contains about 54 articles covering a wide variety of rights of the protection/ welfare across the globe. The global convention had created new consciousness among the various stakeholders all over the world about child rights protection. The children constitute the most vulnerable section of society in India. The socio-economic conditions are mainly responsible for the violation of child rights in different forms. The practice of child protection has undergone a significant change when seen from a historical perspective in India. There are specific constitutional provisions, laws and programmes for the achievement of the goals of child rights protection and child development in India. The organizations or individuals who

are in close contact with children should create opportunities to promote a positive group dynamic in the present times.

REFERENCES

1. Ali, Bharti., Madhumita Purkayastha, Minal Manisha and Vijeta Singh (2005) *Status of Children in India*, Centre for Child Rights, New Delhi, India, www.haqrc.org
2. Anderson, Paul Gerard (1989) *The Origin, Emergence and Professional Recognition of Child Protection*, *Social Service Review*, 63(2):222-244.
3. Cohen, Elaine (2012) *Making CSR Child-Friendly: Protecting Children from Business*, *CSR Wire*, April 5, www.csrwire.com
4. Cool, M.R (2015) *Modi Schemes: Child and Women Empowerment*, *Affairs Cloud*, July 14, www.affairsccloud.com
5. Doane, Deborah and Alison Holder (2007) *Why Corporate Social Responsibility is failing children*, *Save the Children*, London, UK, www.corporate-responsibility.org
6. Flynn, E (1989) *Saving the Children: The Row Over Child Abuse*, *NZ Listener*, February 18.
7. Godbole, G. (2007) *Corporate Social Responsibility and Children's Rights in South Asia*, *Save the Children*, June 28, www.webcache.googleusercontent.com
8. *Government of India (2016) National Plan of Action for Children, Putting the Last Child First*, Ministry of Women and Child Development, New Delhi, India.
9. Hussain, Mamnoon (2016) *Interview with Associated Press of Pakistan*, November 20, www.app.com.pk
10. Huston, A.C. et.al. (1989) *Public Policy and Children's Television*, *American Psychologist*, 44:424-433.
11. Karkara, Ravi (2007) *Corporate Social Responsibility and Children's Rights in South Asia*, *Save the Children*, Regional Office for South and Central Asia, Kathmandu, Nepal, www.crin.org
12. *National Commission for Protection of Child Rights (2014) Annual Report*, Government of India, New Delhi, India, www.ncpcr.gov.in
13. Patmaik, Dharitri (2016) *Foreword, Status of Children in Urban India Baseline Study-2016*, National Institute of Urban Affairs, New Delhi, India, www.cfsc.niua.org
14. Rao, Prasad, M (2006) *Child Labor: Problems and Policy Issues*, Ambala: The Associate Publishers.
15. Rutgers, Catherine (2013) *Children's Rights in Sustainability Reporting: A guide for integrating children's rights into the GRI reporting framework*, United Nations Children's Fund, www.unicef.org
16. Sheahan, Frances (2011) *Effective Remedy and Corporate Violations of Children's Rights*, Report, UNICEF, www.accessfacility.org
17. Smedley, Tim (2013) *Children's rights not a top CSR priority*, UNICEF Research Report, March 22, www.theguardian.com
18. Stewart, Melissa (2015) *Protecting the Rights of Children Should Be Integral to Every Corporate Social Responsibility Strategy*, *Corporate Social Responsibility and the Law*, Foley Hoag LLP, January 12, Washington D.C, USA, www.csrandthelaw.com
19. Thukral, Enakshi Ganguly (2004) *Children's rights in India*, *Combat Law*, 3(1): 15-17, April-May, Centre for Child Rights, www.indiatogether.org