



INHERENT INSECURITY FEELING OF THE VOICELESS' LEADING TO DETERIORATING MENTAL HEALTH AND POTENTIAL VIOLENCE: AN AGGRESSIVE STEP NEED FOR PROTECTING THE INHERENT RIGHTS OF CHILDREN.

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ABSTRACT

The major purpose of this paper is to analysis the Right of Children and how the present circumstances would causes abuse and exploitation The groups that are most discriminated against in India there are the indigenous children, orphaned and abandoned children, children in street situation, children with disabilities, children affected by Health problems, girl children, and scheduled caste and scheduled tribe children. In the course of the study, I have depended on the guidelines given by the Indian judiciary in connection with the right to ensure the rights of child which the state has the mandatory responsibility to be fulfil. It is urgent need for critical analysis relating to State and judicial responsibilities in this scenario is very much important in India as a democratic country. For India the children are discriminated against because of age, gender, religion, social and caste system and they are discriminated from accessing quality education and health services. This paper also examines , analysis and reviews how legislative and judicial institutions are engaging in the smooth implementation of the Govt policies and principles for the protection of this vulnerable even in the pandemic

situations . And in result of the study it is vehemently emphasized that in post covid-19 the children will have to face certain adverse impacts like , child labour, bonded labour ,Abandonment ,Procuration of Minor Girls so it is for the welfare State to frame strategy especially in collaboration with the psychologist , social workers , NGOs should be framed to secure the inherent rights of the child.

Key words: *Voiceless victims , children , fundamental Human Rights ,Mental health, Legal Protection , judicial response.*

Introduction

Worldwide pandemic caused a very big Human rights challenges esp for women and children . The basic fundamental human rights are affected like right to life , liberty , movement , mental health and education. All kinds of people are affected but the voiceless and most vulnerable than that of others the women and children are mostly affected in reality. They urgently need protection, assistance and guidance. This lockdown situation prevailing all over the world definitely leads to Child exploitation and child abuse in world wide. And also that leads to possible for ignorance , sexually exploitation , infanticide,assault and unnatural offence s etc.,

Objectives

- ❖ To assess how it is possible for children to be physically and emotionally abused in the contemporary scenario.
- ❖ To analyze what are the ensures or promises of the promotion and protection of the welfare and rights of vulnerable groups.

Research questions

- ❖ What are the legal protections available for children in India.
- ❖ How could the voiceless' voice influence the principles and polices of of the State and make sure of the judicial interceptions.
- ❖ What are the roles should be necessitated for the expectations of the socially restricted and unables' fair and just accessible right to healthy environmental to be brought up.
- ❖ What will be the post covid-19 scenario as for as the adverse impact on the children is concerned.

Research method:

The study is based on is descriptive research. The data used are primary data and secondary data. Legislative and judicial approach are carried out in this normative research. Literature study is made out for the purpose of obtaining primary data and the secondary data in the way of , quoting, and analyzing legislation pertaining to the scope of research.

Constitutional protection :

In Article 21 of the Indian constitutional law guarantees noble, dignified and prosperous life to the children of India . Article 21 explain that,

‘No person shall be deprived of his life or personal liberty except according to procedure established by law’.

Article 45states:

‘The state shall endeavour to provide , early childhood care and education for all children until they complete the age of six years.’

The right to be protected from being abused and forced by economic necessities to enter occupations unsuited to their age or strength(Article 39(e)).

The right to equal opportunities and facilities to develop in a healthy manner and in conditions.of freedom and dignity and guaranteed protection of childhood and with against exploitation and against moral and material abandonment (Article39(f)).

Social justice enshrined in the Preamble of Indian constitution ensured the growth and overall development of personality which is the very foundation of fundamental human rights jurisprudence to children.

Psycho-social distress

Right to Emotional Development is the fundamental human rights of the children whichever be in Conflict With Emotion of the children that will affect Person hood and personality development of the concerned child . And if they are having chance to be raised by a depressed parent,that will in return cause the children itself at risk of frustration, social incompetence ,abnormal negative behaviour and depression are more prominent..Emotions are the causes of children’s thinking and feelings. Due to the fear of being infected, falling ill ,feeling of powerless ,Feelings of helplessness , they are undergoing a sense of frustration and depression irrespective of the rich ,poor, orphan and juvenile in homes . So enabling environments as the constitution guaranteed under the fundamental rights be ensured by the government as for as the present scenario.

Judicial approach

The Supreme Court passed several directions on 03.04.20 in (In re Contagion of COVID 19 Virus in Children Protection Homes,) Suo Motu Writ Petition (Civil) No.4 of 2020. The Supreme Court's Directions relevant to planning for emergency situations are provided .. The Person in Charge of the CCI shall, in coordination with the health staff attached to the CCI, -plan ahead with the local health authorities to plan for any emergency that may arise due to the COVID-19¹. This shall include:

- Updating the emergency contact lists including contact information of doctors and other service providers who could be approached for consultation and services.
- Separating sick children and staff from those who are well, without creating stigma;
- For informing parents/caregivers, and consulting with health care providers/health authorities wherever possible; and
- Whether or not children/staff need to be referred directly to a health facility, depending on the situation/context, or sent home, after obtaining the necessary orders from the concerned Child Welfare Committee or Juvenile Justice Board, or Children's Court.
- Information about such plans and related procedures shall be shared with staff, parents and children ahead of time. Additionally, for effective implementation of the SC order, the following steps may be taken:
 - Identify how to avail transport in case of any emergency in the CCI and inform all staff members.
 - Ensure adequate supply of food stock, drinking water, groceries, thermometer, disinfectants such as bleach, or alcohol based disinfectants, soap, menstrual hygiene products, protective clothing, quality face masks, etc., and other basic necessities. Identify suitable suppliers who can provide these items..
 - Ensure adequate supply of zinc containing multivitamins and Vitamin C which could be given daily to children to reduce the chances of them catching the common cold. Recommended daily allowance for Vit C is 40 mg/ day, and 5-12 mg/day of Zinc for children from 1-18 years of age. Ensure supply of paracetamol and cetirizine in syrup and tablet form.

¹.In re Contagion of COVID 19 Virus in Children Protection Homes, Suo Motu Writ Petition (Civil) No.4 of 2020.

- Keep a hospital bag ready with material a child is likely to need, should the child need to be hospitalized, such as a change of clothes, toiletries and medicine, etc.
- Identify a room or space where children or staff who fall ill can be cared for, separate from those who are well
- Keep adequate supplies of crayons, paints, clay, colouring books, arts and craft materials, activity books/sheets, etc., to help ensure children in the CCIs are engaged meaningfully. Speakers could be procured to play music inside the CCI, to support recreation, dance classes, etc.
- Ensure that some cash is available at hand for an emergency situation.

This is very clear directions given by judiciary in recording with the measures taken by in all surroundings.

Discussion and Conclusion

No doubt it is a great opportunity for emotional bonds between family members . The Constitution of India guaranteed special status of children and authorizes the state to make special provisions for children under Article 15(3). Children have right to be protected from all forms of abuse, exploitation and neglect and have a right to care, protection and complete justice justice. Here I have to analysis the words of SC in detail. Indian Supreme Court held that ‘We are of the opinion that there is an imminent need to take steps on an urgent basis to prevent the contagion of COVID-19 virus in our prisons. If prisoners are tested positive for the COVID-19 virus, immediate measures have to be taken for their quarantining and medical treatment.

Indian judiciary criticised that some States are in lack of take action in this record by the following words,

‘We are pleased to note that some State Governments and their Departments of Prisons have already taken preventive measures. However, we do not have information about the measures taken by the other State Governments in their prisons to prevent the contagion of COVID-19’.(In re Contagion of COVID 19 Virus in Children Protection Homes, Suo Motu Writ Petition (Civil) No.4 of 2020.)

And SC has given appropriate notice to the Chief Secretaries/Administrators, Home Secretaries, Directors General of all the Prisons and Department of Social Welfare of all the States and the Union Territories, to show cause why directions should not be issued for dealing with the present health crisis arising out of Corona virus (COVID 19) in the country, and further to suggest immediate measures which should be adopted for the medical assistance to the prisoners in all jails and the juveniles lodged in the Remand Homes and for protection of their health and welfare. SC in it’s directions what are the measures should be taken by the juvenile justice boards ,child welfare committees , children courts and governments(In re Contagion of COVID 19 Virus in Children Protection Homes, Suo Motu Writ Petition (Civil) No.4 of 2020.).

. This is the laudable step taken by the Indian judiciary for the protection of the juvenile in need for access to health .

For the effective implementation of programmes there should be a stringent monitoring is necessary. Court should made a Continues its efforts to carry out it's judgements' implementation.

State has to continuously informing their ensured rights in social medias for right to health is itself a fundamental right in India .Extra vigilant should be maintained by the State and Judiciary is very much necessitate . Facility for making Coded messages in relating to report domestic violence, abuse and exploitation should be set up.

Awareness should be given in an accessible manner and through various medias and channels about how victims can access the help and assistance.

They should be ensured immediately that the proactive action be taken by law enforcement and judiciary for the protection and promotion of their well being . Access to health services is inherently mental health also. Children who have weakened immune systems and who are living with tuberculosis, malnutrition etc appear to be at risk of contracting COVID-19. They are more likely to a manifestation of life-long inequality and discrimination. This may in turn exacerbate the impact of the virus, and their right to access to complete protective measures, food, water, right to information and health services that will never can be compromised with. Priority should be given to who are at risk i.e children. Rehabilitation process in post covid-19 phenomenon in the recovery phase should be a key responsibility of the concerned government in collaboration with psychologists and physiotherapist is the most awaiting criteria.

More than that, the parents should understand the emotional needs of children in the prevailing scenario and the government must ensure the post covid -19 protection to the children. Rights to receive protection from violence and discrimination is the fundamental human rights of the child. The increased risk of violence, which will affect the healthy environment of the child should be taken in to consider by the parents and the Government. The Government should Ensure a in discriminate equitable measures and it;s accountability towards complete social justice to the voiceless community.

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