

GROWING INSECURITY OF THE CHILD IN THE HIGH TECHNO-SAVVY SOCIETY: A SERIOUS CONCERN

Daisy Changmai

Guest Faculty of Law, Department of Law, National Law University and Judicial Academy, Assam, India

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ABSTRACT

As often quoted saying goes – ‘the child is the father of man’. Children are like a bud, if it gets proper fertility and well aeration, it may blossom into a beautiful flower. So is the case, the development of a nation in a real sense centred upon the upliftment of its human resource especially the children who form an important unit in the total population. In the contemporary world, the protection of the right of children attracts serious concern as it is an important aspect of human rights development. There have been several commitments in India as well as international treaties for the advancement of this segment of society. However, growing communication and information technology severely hits the private life of individuals and the children are the easy target. It becomes a familiar scenario throughout the world in the present day. Under the circumstances, protection of the right to privacy of children becomes the sine qua non for their sustainability and can be regarded as a crucial measure in long-term progress. This paper analyses the growing issues of children in the present technology-driven society and suggests measures to meet the situation.

KEYWORDS: *Child’s Right, Communication and Information Technology, Protection, Technological Threat, Offence*

INTRODUCTION

Children are the finest creation and the purest gift to mankind. It is often said that a nation walks on the leather of development when its children are protected and prosper. Children's protection means protection from all forms of abuse, exploitation, and violence. Undoubtedly, a child’s right constitutes one of the most important domains of human rights. Every child deserves special attention and care because childhood is the phase when human beings are more vulnerable due to undeveloped physical and mental conditions.

In the present scenario, every progressive democratic country aims at recognizing the rights of children, and efforts are made to ensure an environment of sustainability. Both in the national as well as international forum, positive actions have been adopted by way of legislative policies and judicial interpretation. The League of Nations through the Declaration of the Rights of the Child, 1924 has asserted new dawn in the rights of the child. The Universal Declaration of Human Rights, 1948 acclaims that all human beings are born free and equal in dignity and rights (UDHR). Following UDHR, International Covenant on Civil and Political Rights, 1966, International Covenant on Economic, Social and Cultural Rights, 1966 are some of the instruments that made various endeavours to protect the interest of the child. The United Nation Convention on the Rights of the Child, 1989 is a milestone document which convey legal standards to be adopted by every country to ensure the protection of rights of children. India has ratified the Convention in 1992 and since then the objectives of the Convention progressively implemented while enacting any law relating to the interest of the

child. Moreover, at the advent of technological development, it is of utmost importance to ensure the social, economic, and cultural rights of the child.

Children's Right: Defined

The United Nations Convention on the Rights of the Child, 1989 defines a child as any human being below the age of eighteen years unless under the law applicable to the child. There is no adequate definition of children's rights. In common parlance, children's right denotes all such basic rights that every human being have. However, children's rights have been classified in numerous ways under various international instruments.

In view of the greatest well-being of the children, we may summarise the following categories of rights –

- **Civil Rights:** includes the right to name and nationality, birth registration, protection from torture and maltreatment, etc.
- **Economic Rights:** includes the right to benefit from social security, the right to a standard of adequate living, protection from exploitation at work.
- **Social Rights:** includes right to health and access to medical services, right to the special care of disabled children, protection from sexual exploitation.
- **Cultural Rights:** includes right to education, access to appropriate information, recreation and leisure, etc.

The principle of best interest is a child right principle which has its root under Article 3 of the UN Convention on the Rights of the Child, 1989. Article 3 of the Convention interprets the best interest of child principle in three directions – in all actions concerning the child, in protection and care of the child for their well being, and conform to particular standard by the institution or authorities responsible for facilitating provisions for the child.

Emerging Issues That Threats Children Security Under Information and Communication Technology

In modern society where information and communication technologies are part and parcel of everyone's life, it at the same time gives rise to several threats to children. The researcher highlights some of such factors affecting the safety of a child as,

Mobile and Internet Technology

Mobile and internet technologies have become an integral part of human lives in the present day. People thoroughly embedded communication technology in their lives. The world becomes a global village where one can communicate across the world from anywhere. Internet technology became the order of the day. However, the openness of the internet may expose the children to potential risk and imminent danger. In India, statistics report reveals that 72% of the urban internet users i.e., approximately 139 million, and 57% rural internet users i.e., approximately 109 million access the internet daily from their early age and the number is ever increasing with faster access to the internet. In addition to the normal access to the internet, the ongoing pandemic of Covid-19 has tremendously increased the addiction of children to mobile use. Online classes as an alternative mode of learning undoubtedly under the given situation are admirable, but its ill effects are also begging serious concern.

In recent years, due to rise in the computer and internet usage, many illegal activities, as well as several offences, were committed through the medium of the internet, which can be rightly categorized as cyber crime. Generally, cyber crime can be classified into three categories –

- Cyber crimes against persons,
- Cyber crimes against all forms of property, and
- Cyber crimes against state or society.

Among these categories, cyber crime against a person and property more serious than two as it causes serious invasion of privacy. The threats and risks carried by these offences are very much latent in nature. Such offences cause injury not only to the body or mind of the person but often set back the child into a deep psychological trauma. The perpetrators have a great tendency to intrude upon the private domain of a person to make it public. In the context of these offences, victims' privacy is invaded by defaming their prestige in society.

The twentieth meeting of the United Nations Commission on Crime Prevention and Criminal Justice held in Vienna in 2011 published its report on the growing problem of cyber crime against children where it was emphasized that advanced information technology are being misused to commit crimes, such as, (a) child exploitation, (b) production, distribution and possession of child pornography, (c) exposure to harmful content, (d) grooming, harassment and sexual abuse, and (e) cyber bullying. Moreover, the emergence of social networking sites worsens the situation in an unprecedented manner especially by those who have a sexual interest in child (paedophiles).

Electronic Media

With the advent of scientific and technological development, media and communication (both press and electronic and broadcasting media) have also developed at an exponential rate. In India, the concept of media has been derived from the freedom of press under Article 19(1) (a) - right to freedom of speech and expression of the Constitution of India. Right of media or freedom of press is the most cherished right of every democratic country and is rightly called the 'Fourth Estate' under the Constitution.

In a democratic country, media can play the most leading role in disseminating information and promoting the rights of children, and protect them from all types of abuses. But in recent years, we have been witnessed sensationalism media coverage and pre-trial publicity as well as the intrusion of privacy. The '**Arushi Murder' case** is a striking example of a pre-judgment trial by media where media takes the role of the justice delivery system by rampant news coverage even in an obscene manner. The unprecedented growth of mass media and blatant commercialization results in a diversion in its real intent. Many a time, media crossed all the limits in the name of freedom of press and fair trial of an individual. There are plenty of instances where media lost its social image and demolish the very foundation of a fair trial.

Social Media Mania

At present social media is a popular platform for public opinion as well as information sharing. The young generation is fond of social media and active users too as it provides them worldwide connectivity, learning, and much more informative source. There is an enormous benefit of using social media, but it is not contrary to adverse effects. Very often this platform seems to

be used by some people for circulating hate message, fake news, and anti-government message. Social media is also open to the risk of cyberbullying, data-theft. Such activities demoralize the young mind and mislead them many a time.

Measure Taken at the International and National Level to Combat the Technological Threats

To address these challenges, the states are required to take appropriate measures to safeguard the children against abuses and exploitation. At the same time, it is necessary for the global community to stand together to conceive a uniform legal regime on electronic or internet communication. Consequently, the General Assembly of the United Nations enacted the Model Law on Electronic Commerce adopted by the United Nations Commission on the International Trade Law (UNCITRAL). Considering the growing tendency of abuse of technology and collection of personal information about children in the USA the Children's Online Privacy Protection Act, 1998 (COPPA) was passed.

In the year 2000, the Government of India enacted its first Information and Technology Act taking into consideration certain legal issues relating to electronic communication including justice dispersion for cyber crimes. Later on, in 2008, the Information and Technology Act, 2000(IT Act) has been amended to meet the rapid growth of electronic communication and also to curb the unlawful activities that take place through the internet. In India, there is very scanty legal provision on cyber crime even under the Indian Penal Code, 1860. However, the recent Criminal Law (Amendment) Act, 2013 has inserted certain provisions on cyber crime.

Various Provisions Relating to Cyber Crime Against the Children Punishable Under the IT Act and IPC are as Follows

Cyber Crime Under the IT Act

- Publishing obscene information – Sec. 67
- Publishing or transmitting of material depicting children in the sexually explicit act – Sec. 67-B
- Breach of confidentiality and privacy – Sec. 72
- Disclosure of information in breach of lawful contract – Sec. 72-A,

Cyber Crime Under the IPC:

- Sale or keeping of obscene books etc. – Sec. 292
- Voyeurism – Sec. 354-C

Media is the watchdog of a welfare society. It is the imager as well as the communicator between state and common people. In order to keep its noble image, it has to maintain certain ethics in reporting especially on children, such as,

- Seek the truth and stick to the originality,
- Avoid giving flaring statement and pictures or images,
- Free from biasness and act independently,
- Projection and language should be decent and civilized,
- Maximize the coverage in support of protecting children as well as children's right,
- Protect the identity of children who are victims of different offences.

Besides, some Acts incorporated provisions as media coverage on child victims or juveniles in view of the interest of the children as well as the society, namely, Juvenile Justice Act, 2000, POCSO, etc.

Of late, considering the unjustifiable use of social media and for publicizing provoking message through the medium, the government decided to keep an eye on the platform and according has been taken necessary measures currently.

Last but not least, the framers of the Constitution were well aware of the best interest principle of children and hence, bestowed enormous provisions for their well-being. The Constitution of India has been incorporated several positive and negative rights against exploitation of childhood and youth.

Concluding Observation

Children are the national assets. The socio-economic development a country integrates upon the prosperity of its children who are the future of the nation. Protection of the rights of the child becomes a rising issue in the present-day context. For a strong nation to build we should build it from the root and the children hold the root of the nation. Advance information technology can act as a potent weapon in shaping the future of the child in the right direction. Growing information technology has tremendous potential to act as a roadmap for the protection of children. The information and communication technology can be explored in many child-friendly programmes, as it offers enormous opportunities for fast and effective means of communications, access to information, and creates interactive ways among the children.

Similarly, Media which is the mirror of society can play a very decisive role by extending its coverage on children in a rightful manner. It also creates mass awareness among the people about the growing technological hazards against child interest. At this juncture, it is highly advisable to constitute a mechanism by the government for continuous monitoring the social media user and keep vigilance on their activities regularly. Moreover, in the larger interest of children, the role of civil society is always praiseworthy.

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