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Child Rights in India

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Introduction

The measures of a nation's progress are often reflected in how it safeguards the rights and dignity of its most vulnerable citizens- its children. India, home to the world's largest child population, shoulders a profound responsibility to ensure the survival, protection, development, and participation of every child. Mahatma Gandhi's vision that "the true measure of any society can be found in how it treats its most vulnerable members" resonates strongly in the context of child rights.

Despite significant legislative framework and constitutional safeguards, violations like child trafficking, child labour, abuse, and lack of access of education persist, raising critical questions:

- Are our existing laws adequate to protect every child's life and dignity?
- How can we bridge the gap between legal guarantees and ground realities?

Constitutional Framework of Child Rights in India

The Indian Constitution embodies the commitment to protecting children through fundamental rights and directive principles of state policy:

A.Fundamental Rights

- **Article 14 & 15 (3)**- Guarantees equality and permit special provisions for children.
- **Article 21 & 21A**- Right to life with dignity and free, compulsory education for children aged 6-14 (Right of children to free and compulsory education act, 2009).
- **Article 23 & 24**- Prohibit trafficking, forced labour, and employment of children below 14 in hazardous occupations.

B.Directive Principles

- **Article 39 (e) & (f)**- Protect children from exploitation and ensure healthy development.
- **Article 45**- Mandates early childhood care and education for children below six years.

Maxim: Parens patriae- The State acts as a guardian of all minors, ensuring their welfare and protection.

Statutory Protection for Child Right

India has a robust legislative framework to secure child rights, reinforced by specialized laws:

The Juvenile Justice (care and protection of children) Act, 2015

- Protect children in conflict with law and those in need of care.
- Emphasise rehabilitation and social reintegration.

The Protection of Children from Sexual Offence (POSCO) Act, 2012

- Provides stringent provisions against child sexual abuse.
- Establishes child-friendly courts and reporting mechanisms.

The Child Labour (prohibition and regulation) Amendment Act, 2016

Prohibits employment of children below 14 in all occupations and 14-18 in hazardous work.

The Right of Children to Free and Compulsory Education (RTE) Act, 2009

- Ensure education as a fundamental right.
- Mandate 25% reservation for disadvantaged children in private schools.

The Prohibition of Child Marriage Act, 2006

Declare child marriage voidable and prescribe penalties for offenders.

International Framework and India's Commitments

India is a signatory to several international convention:

- **United Nation Convention on the Rights of the Child (UNCRC), 1989**- Ratified by India in 1992, emphasis 4 core principle: survival, protection, development and participation.
- **ILO Convention 138 & 182**- Against child labour and worst forms of exploitation.

Case Laws

- **M.C. Mehta vs. State of Tamil Nadu**- In this case court directed rehabilitation of child labour and mandated welfare funds.
- **Sheela Barse vs. UOI**- Emphasis humane treatment and speedy trial of juveniles in custody.

Contemporary Challenges in Child Rights Enforcement

Despite laws and policies, challenges persist:

- **Child Labour and Trafficking**: NCRB data reveals ongoing exploitation in domestic work, industries, and forced begging.
- **Sexual Abuse and Exploitation**: POSCO cases are rising, highlighting the gap in preventive mechanisms.
- **Malnutrition and Health Inequalities**: NFHS-5 reports high stunting and wasting rates.
- **Digital Vulnerabilities**: Online abuse, cyber bullying and exposure to harmful content have become new-age threats.

Judicial and Policy Initiative

The judiciary has played a crucial role in expanding child rights:

- **Unnikrishna J.P. vs. State of Andhra Pradesh**- Laid the foundation for the right to education.
- **Laxmi Kant Pandey vs. UOI**- Established guideline for inter-country adoption to protect child welfare.

Government Schemes and Missions

- **Integrated Child Protection Scheme (ICPS)**: Institutional and non-institutional care for vulnerable children.
- **POSHAN Abhiyaan & ICDS**- Combat child malnutrition and ensure early childhood care.
- **Beti Bachao Beti Padhao (BBBP)**- Promotes girl child protection and education.

Way Forward and Recommendations

To strengthen child rights in India, a multi-dimensional approach is required:

- **Strict Implementation of Laws**: Enhance monitoring and ensure effective prosecution under POSCO and anti-trafficking laws.
- **Awareness and Community Participation**: Encourage social vigilance against child abuse and child marriage.
- **Digital Safety Measures**: Strengthen cyber laws to protect children in the online environment.
- **Strengthening Institutions**: Upgrade child welfare Committees (CWSs), Juvenile Justice Boards, and foster care systems.
- **Holistic Education and Health Initiatives**: Integrate nutrition, mental health, and vocational skills with schooling.

Quote: “Children are not the people of tomorrow, but people of today. They are entitled to be taken seriously.”- Janusz Korczak

Conclusion

Child rights in India are constitutionally guaranteed, legislatively supported, and internationally endorsed. Yet, the gap between law and implementation remains a persistent concern. Protecting children is not only a legal obligation but a moral imperative, shaping the future of the nation. A society that ensures the safety, education, and dignity of its children paves the way for sustainable development and social justice.