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CHILD RIGHTS IN INDIA

-KANAV GUPTA

Children are an integral part of the world's population and are the future of the society. Children account for about one-third of India's population, which shows how huge and how significant it is to ensure and enforce child rights in this country.¹ Protecting the rights of children is not a kind act, it is a basic duty that derives its significance from the constitution of international promises and from a natural sense of right and wrong. Child rights tap areas like the right to live, to grow, to be safe and to have a voice.² Even though India has an established legal framework and policies, many children, in India still suffer from lack of enforcement of these frameworks. Many children are being subjected to abuse and being ignored.^{3 4} This article explores at what child rights mean, what laws and institutions exist in India, what problems remain and steps which can be taken.

Child rights are a branch of human rights that cater to the unique needs, dangers and growth aspects of children across the globe.⁵ Children are not like adults, they require special care, protection and a safe environment to grow fully to their potential. This makes it an utmost priority of any state to treat child rights as a focused and specialised area of concern. The modern idea of child rights has changed a lot after the adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989. That moment reflected that entire

¹ United Nations Children's Fund (UNICEF), *Children in India*, <https://www.unicef.org/india/children-india>

² United Nations Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S.

³ Office of the High Commissioner for Human Rights, *Convention on the Rights of the Child* (last visited Sept. 13, 2026), <https://www.ohchr.org>.

⁴ *Status Analysis of Child Rights in India in the Light of UNCRC*, 44 BHARATIYA SHIKSHA SHODH PATRIKA (2025).

⁵ U.N. Children's Fund (UNICEF), *Children in India*, <https://www.unicef.org/india/children-india>

mankind agrees that children deserve dignity and require well-being.⁶ India joined the UNCRC in 1992 which means India has promised to protect, grow and enforce the child rights written in the convention through its constitution, laws and state policies.⁷

The UNCRC is founded on four key ideas that are the base of international child rights law. The first idea is non-discrimination, which means “every child must be treated the same regardless of where they come from”. The second idea is regarding the interests of the child, which “specifies that any choice that impacts a child must consider the child’s best interests first”. The third idea is the right to life, survival and development which “specifies that every child must have the chance to live, grow and reach their potential”. The fourth idea is regarding the respect of the views of any child, “which means that adults should listen to what a child says as the child learns and grows”.⁸ Together, these ideas guide how people should understand, apply and constitute child rights better across the world and, in India.⁹

The Constitution of India gives a foundation principles for the protection and promotion of child rights. This base is built is established in the Fundamental Rights and the Directive Principles of State Policy. Together, these ensure that children are protected not only as citizens and persons who deserve equality and liberty but also as a vulnerable group that requires special attention from the State.

Article 14 guarantees “equality before the law”. Equal protection of the laws. Because of these children cannot be treated arbitrarily or in a way.¹⁰ Article 15(3) strengthens this protection by “encouraging the State to make laws and policies for children”. This gives the State a reason to design progressive policies which focus on child welfare.¹¹ Article 21 “guarantees the right to life and personal liberty, includes the right to live with dignity, access to healthcare, nutrition and education”, all of which are key essentials to child growth and welfare.¹²

Moreover, Article 21A specifically “ensures compulsory education for all children between the ages 6 to 14 years, making education a basic right”, which is a key requirement for ensuring

⁶ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3

⁷ U.N. Treaty Collection, Convention on the Rights of the Child: Status of Ratification, <https://treaties.un.org>

⁸ Convention on the Rights of the Child arts. 2, 3, 6, 12, Nov. 20, 1989, 1577 U.N.T.S. 3

⁹ U.N. Children’s Fund (UNICEF), Convention on the Rights of the Child: Guiding Principles, <https://www.unicef.org>

¹⁰ INDIA CONST. art. 14

¹¹ INDIA CONST. art. 15, cl. 3

¹² INDIA CONST. art. 21

child growth.¹³ Article 23 “prohibits trafficking, begar and forced labour.”¹⁴ Article 24 “prohibits the employment of children below 14 years in occupations” thereby protecting children from exploitation and allowing children to grow in a healthy child-like manner.¹⁵

The Directive Principles of State Policy further reinforce child welfare objectives. Article 39(e) and 39(f) envisions a State that “ensures that children are not abused or forced into labour and that children are nurtured in an environment of freedom and dignity”.¹⁶ ¹⁷Article 45 promotes a State that “provides childhood care and education for children, below six years highlighting the importance of foundational development”.¹⁸

India has enacted a various legislations to safeguard child rights across dimensions.

The Right of Children to Free and Compulsory Education Act 2009 “enforces Article 21A of the Indian Constitution and provides free and compulsory education of all children of ages 6 to 14 years”. It focuses on establishment of neighbourhood schools, bans punishments and mental harassment and promotes inclusive and equitable access to primary education.¹⁹

The Juvenile Justice (Care and Protection of Children) Act 2015 provides a “legal mechanism to children in violation of law and children in need of care and protection”. It emphasises on rehabilitation, social reintegration and child-friendly legal procedures.²⁰

The Protection of Children from Sexual Offences (POCSO) Act 2012 “protects children from abuse and exploitation”. It lays down the definitions of various forms of sexual offences and ensures child-sensitive investigations and trial process.²¹

¹³ INDIA CONST. art. 21A

¹⁴ INDIA CONST. art. 23

¹⁵ INDIA CONST. art. 24

¹⁶ INDIA CONST. art. 39, cl. (e)

¹⁷ INDIA CONST. art. 39, cl. (f)

¹⁸ INDIA CONST. art. 45

¹⁹ The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, INDIA CODE (2009), <https://www.indiacode.nic.in/handle/123456789/2086> (last visited Sept. 13, 2026)

²⁰ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), <https://legislative.gov.in/sites/default/files/JJ%20Act%202015.pdf>

²¹ Protection of Children from Sexual Offences Act, No. 32 of 2012, INDIA CODE (2012), https://legislative.gov.in/sites/default/files/The%20Protection%20of%20Children%20from%20Sexual%20Offences%20Act%2C%202012_0.pdf

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 “prohibits employment of children below 14 years of age in all occupations while regulating the working conditions of children of ages 14 to 18 years”.²²

The Prohibition of Child Marriage Act 2006 targets at eliminating child marriages by making such marriages voidable, laying down penalties for offenders and empowering courts to grant relief and protection to victims.²³

India has developed a mechanism to protect, support and promote the rights of children. This system works across sectors. At the apex level, the National Commission for Protection of Child Rights or NCPCR plays a major role. It was established under the Commission for Protection of Child Rights Act, 2005. Its job is to ensure sure that all laws, policies and programs follow child rights. It also handles complaints. It works to prevent and take action on any violations of child rights.²⁴

At the state level, each state has its own State Commission for Protection of Child Rights or SCPCR. These commissions do work as the national body. They help families and children who face problems at a state level. They act as a voice for children and help address issues through proper channels.

There also are two bodies at the local level, The Child Welfare Committees and the Juvenile Justice Boards. These were established under the Juvenile Justice (Care and Protection of Children) Act, 2015. Child Welfare Committees or CWCs take care of children who are in need of protection. This includes children who are abandoned, abused or living in poor conditions. They ensure children get shelter, food and medical care.²⁵

The Juvenile Justice Boards work with children who have violated the law. They do not focus on punishment but on trying to help these children by guiding them to a good path. They believe in rehabilitation and reintegration into society. These ideas help a child to grow into citizens not to lock them away.

²² Child and Adolescent Labour (Prohibition and Regulation) Act, No. 61 of 1986, amended by Act 35 of 2016, INDIA CODE (2016), https://labour.gov.in/sites/default/files/act_3.pdf

²³ Prohibition of Child Marriage Act, No. 6 of 2007, INDIA CODE (2007), <https://legislative.gov.in/sites/default/files/A2007-06.pdf>

²⁴ National Commission for Protection of Child Rights Act, No. 4 of 2005, INDIA CODE (2005), <https://ncpcr.gov.in/>

²⁵ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), <https://legislative.gov.in/sites/default/files/JJ%20Act%202015.pdf>

There are also government programs that support children like the The Integrated Child Development Services or ICDS which provide childhood care, nutrition and education. It is important, for children and pregnant women. The Mid-Day Meal Scheme provides healthy meals in schools which are key for physical and mental development of children. This helps improve attendance and keeps children healthy. It also gives children a reason to go to school in poor communities.^{26 27}

Another key initiative is Beti Bachao Beti Padhao. This initiative focuses on saving the girl child and making sure they get educated in a society where girl child is lesser represented than the male. It fights against gender bias and promotes families to value their girl child. It promotes the idea that every girl has the right to live, learn and grow. These efforts together help build a just society for all children.²⁸

Even though child rights are protected by a legal framework in India yet many structural, social and institutional problems stop these rights from being in full effect. Poverty is a major barrier. It forces children to enter workforce at a tender age, cutting them off from education, good food and basic health care. Social customs such as child marriage and gender bias affect girls, limiting their chances to grow.²⁹

Many gaps in existing laws and policies makes child protection system weaker. Law enforcement often does not know about the rules do not receive enough training. These problems lead to imperfect enforcement of the laws meant to protect children. Therefore, good intentions behind laws do not reach children on the ground.

Child labour still exists, in informal and unregulated jobs like house help, farming and small factories. Moreover, children are being trafficked for begging and sexual abuse. These serious problems still persist despite strict laws exist to stop them.³⁰

Access to quality schooling remains uneven across India. Children from tribal communities and poor families face severe disadvantages. The COVID-19 pandemic made these gaps worse

²⁶ Integrated Child Development Services Scheme, Ministry of Women and Child Development, <https://wcd.nic.in>

²⁷ Mid-Day Meal Scheme (PM POSHAN), Ministry of Education, Government of India, <https://pmposhan.education.gov.in>

²⁸ Beti Bachao Beti Padhao Scheme, Ministry of Women and Child Development, <https://wcd.nic.in>

²⁹ U.N. Children's Fund (UNICEF), *Child Protection in India*, <https://www.unicef.org/india/what-we-do/child-protection>

³⁰ U.N. Children's Fund (UNICEF Innocenti), *Child Labour and Schooling in India* (2024), <https://www.unicef.org/innocenti/reports/child-labour-and-schooling-india>

causing more children to drop out and widening the gap between those who have access to internet and hardware and those who do not.

Child abuse, whether it is physical, emotional or sexual remains under reported because social stigmas of shame, fear and lack of knowledge.³¹

Judiciary in India has played a key role in protecting and expanding child rights. It has done mainly through Public Interest Litigations or writs especially under Article 32 of the Constitution. This approach helps the Supreme Court to step in and address child rights issues. The court has used this power to take action on problems like child labour, lack of education, trafficking and the exploitation of children.³²

In multiple court decisions, the Supreme Court has emphasised on the fact that the right to life under Article 21 “includes much more than just survival. It now includes the right to education proper nutrition, good health, dignity and a safe environment”. This broad interpretation has made child rights enforceable not just words in a document.³³ The court has also stressed many a times that cases involving children must be handled in a way that protects them. This means procedures in investigations and trials involving children focus on the child’s needs and well-being in all legal processes over anything else.

A lot of times laws are not being properly enforced especially in poor or marginalized communities where children are at highest risks. In such cases, the judiciary steps in to fill the gaps. It has kept child rights at the forefront of policy and governance. By doing this, the courts reminds the government of its duty to protect children not only under Fundamental Rights but also under the Directive Principles of State Policy. Such ongoing judicial involvement has helped ensure that children are not forgotten in the fight, for justice and equality.³⁴

Societal organizations and non-governmental organizations (NGOs) play a crucial and helpful role in ensuring that child rights are promoted and enforced in India. These organizations work at ground level and provide important services like education, health care, food to protect children, especially for those who are in difficult situations.³⁵

³¹ U.S. Dep’t of State, *2021 Country Reports on Human Rights Practices: India* (2022), <https://2021-2025.state.gov/reports/india/>

³² INDIA CONST. art. 32

³³ Unni Krishnan v. State of Andhra Pradesh, (1993) 1 S.C.C. 645 (India)

³⁴ M.C. Mehta v. State of Tamil Nadu, (1996) 6 S.C.C. 756 (India)

³⁵ Child Rights in India: An Unfinished Agenda, JOINING FORCES FOR CHILDREN INDIA 90 (2019), <https://childfundindia.org/wp-content/uploads/2022/07/Child-Rights-in-India-An-Unfinished-Agenda.pdf>

NGOs also help a lot by raising awareness amongst people about child rights and supporting and promoting laws and programs that protect children. They work to ensure that people understand their rights and the laws that are meant to protect children are actually followed. In addition, these organizations monitor what the government is doing and make sure that the people in charge are doing their job properly.³⁶

A major part of what civil society organizations do is providing a voice to children and to people who are not represented appropriately. They make sure that the problems of these groups are heard by the lawmakers when decisions are made. Also, when the government and these organizations work alongside, they can solve various problems.³⁷

Ensuring child rights in India requires a special and intensive approach involving legal reforms, implementation and societal changes. Improving implementation mechanisms is the need of the hour. It includes training of law enforcement agencies, better infrastructure and more budgetary allocation.

Awareness and education are crucial in changing mentality and awareness. Community participation and sensitization programs could help address major issues like child marriages and gender discrimination.

Technology could be included and utilized to improve service delivery and monitoring. Digital platforms might help enhance access to education grievance redressal mechanisms.

Data-driven policymaking is necessary to locate gaps and monitor progress. Regular surveys and research could provide valuable insights into emerging challenges.

Child participation must be encouraged in decision-making processes. Platforms must be created for children to voice their views and contribute towards policies affecting them directly or indirectly.

A rights-based approach should be integrated into all aspects of governance. Child rights should not be seen as a domain but a central and crucial component of development.

³⁶ U.N. Children's Fund (UNICEF), *Social Policy and Social Protection*, <https://www.unicef.org/india/what-we-do/social-policy-inclusion>

³⁷ *Cross-sector collaboration yields results for child labour in India* (2015), https://www.unicef.org/sites/default/files/2019-02/2015ARR_ChildProtection.pdf

Child rights in India have developed a lot helped by rules, laws and policies. There is still a major difference between the laws and reality. Bridging this gap requires efforts from the government, the courts, groups that help people and everyone in the community.

Children are not just people who benefit from programs, and are individuals who have rights of their own. Ensuring sure they are safe, grow up well and can take part in decisions is important for making a just and prosperous society. If India wants to be a world leader, spending on its children is the best thing to do and a smart move.

Providing children rights is not something that is finished. It is a job that goes on. Needs change, rights and wrongs change. So, it is important that the purview of child rights keeps up with the modern view of child rights. Only if we care about children will India have an more open future.