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## AN OVERVIEW OF MEASURES AND PROVISIONS FOR PROTECTION OF CHILD RIGHTS IN INDIA

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### ABSTRACT

*“As per 2001 population census India has the largest child population in the world there are more than 375 million children’s in India. They constitute more than 40% of our population and half of them are girl children”<sup>1</sup>.*

*Children need special protection as they are the most vulnerable section of human society and because of their fragile state of development children are readily susceptible to abuse and neglect”<sup>3</sup>. The universal declaration of human rights and other U.N. documents echo a similar need to protect the child. As indicated in the declaration on the right of the child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.” (United Nations 1989)<sup>6</sup>.*



**KEYWORDS:** Child Rights, Provision for Protection.

### INTRODUCTION

“The UNICEF (1988-89) reports that more than half of juvenile deaths occurring worldwide are due to malnutrition. Malnutrition is a silent and invisible emergency. It violates the child’s rights in profound ways. Surprisingly, in India the rate of malnutrition among children below five years of age is 63 per cent which is double the average of sub-Sahara Africa (31 per cent) and in the state of Maharashtra the rate is 55 per cent<sup>18</sup>”. The number of children who do not attend any school is estimated to be around 100 million globally. Statistics further indicate that 46% of girls in the poorest countries in the world do not have access to primary education. In India, approximately 69 Recent UNICEF (2005) report in the state of the world’s children under the title “Childhood Under Threat”, speaking about India, states that millions of Indian children are equally deprived of their rights to survival, health, nutrition, education and safe drinking water.

Approximately 400,000 minors (age 10 to 16 years) in India are involved in the sex trade. Approximately 126 million children aged 5-17 are believed to be engaged in child labour in India. The number of children under the age of fourteen living with HIV/AIDS in India was estimated to be 0.64 million <sup>39</sup> (Plan India, 2007, p2-8). It estimates that 72 million children in India between five and 14 years do not have access to basic education. A girl child is the worst victim as she is often neglected and is discriminated against because of the preference for a boy child <sup>38</sup>.

**OBJECTIVES OF THE STUDY:**

- To study the violation of child rights in India .
- To highlight the measures for protection of child rights in India.
- To highlight the provisions for the protection of child rights in India.

**METHODOLOGY :**

Present study has been conducted by using secondary method of data collection such as books journals and reports. Descriptive and analytical Research design and has been used to analyze and describe the data. Present study focuses on violation of child rights in India and its protective measures. At the end of the study conclusions has been drawn by analyzing the data on the basis of objectives.

**MEASURES AND PROVISIONS FOR PROTECTION OF CHILD RIGHTS IN INDIA  
UN CONVENTION ON CHILD RIGHTS.**

“Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance, bearing in mind the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in Articles 23 and 24), International Covenant on Economic, Social and Cultural Rights (in particular in the in Article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children “The U.N. convention on the rights of the child adopted by the U.N. in 1989 has been ratified by India in 1992. Important rights which are essential for a child”<sup>8</sup>are –

- i) Equality and Non – discrimination,
- ii) The best Interest of the child
- iii) The right of survival

The right of development The U.N. convention on the rights of the child adopted by the U.N. in 1989 has been ratified by India in 1992. Important rights which are essential for a child”<sup>8</sup>are –

- i) Equality and Non – discrimination,
- ii) The best Interest of the child
- iii) The right of survival
- iv) The right of development
- v) The right of protection
- vi) The right of education

**constitutional provisions ensuring Child Rights**

The constitution of India has several provisions for the care, protection and prevention of exploitation of children (Fundamental Rights)

- “Article 14 guarantees the right to equality, which states “The state shall not deny to any person equality before the law.”
- Article 15 prohibits discrimination on grounds of religion
- Article 29 clear (2) states that nothing in this article shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and scheduled tribes.
- Article 23 prohibits traffic in human beings and forced labour.
- Article 24 prohibits employment of children in factories etc. no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- Article 39 (e) states that the health and strength of workers men and women, and the tender age of children are not abused, and the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- Article 39 (f) states that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and found that childhood and youth are protected against exploitation and against moral and arterial abandonment.

- Article 21 A – 93rd amendment act inserted this article in the fundamental right states that “the state shall provide free and compulsory education to all children of the age 6 – 14 years as the state may by law, determine.
- Article 45 (Directive principle of state policy) Provision for free and compulsory education for children up to the age of 14 years within a period of ten years from the commencement of the constitution.  
After the 86th amendment act, article 45 of the constitution reads. The state shall Endeavour to provide early childhood care and education for all children until they complete the age of six years.”<sup>13</sup>

### LEGISLATIVE PROVISIONS ENSURING CHILD RIGHTS:

There is no dearth of legislation in our country having direct or indirect bearing on child welfare. A number of enactments were particularly passed after independence when the state assumed grates responsibilities towards children. “Legislations like the juvenile justice act and the child labour (prohibition and regulation) act enacted in 1986 have under implications to children’s rights”<sup>13</sup>.

### CHILD WELFARE POLICIES:

National Policy on Education (NPE), 1986 and the Programme of Action (POA), 1992 both of which viewed education as fundamental to all-round development of children.  
“With a view to tackle all education and enrollment related problems; the Government of India introduced the Sarva Shiksha Abhiyan (SSA) in the year 2001”<sup>15</sup>. “The Department of Women and Child Development (DWCD) in the Government of India is the designated nodal agency responsible for child policies, liaison with the UN and other overview functions. Four other ministries at the Centre – Labour, Health and Family Welfare, Education, Social Justice and Empowerment – look after other subjects of relevance to children,

### CONCLUSION :

At the end of the study it has been concluded that present study focuses on the nature the violation of the child right in India such as survival, health, Malnutrition, education, safe drinking water ,children in sex trade, child labour, children living with HIV/AIDS and girl child discrimination. Present studies also throws light on measures and provisions for the protection of child right in India and turn the attention of Research scholars towards the increasing rate of violation of child rights and its nature .

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