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CHILD RIGHTS IN INDIA

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ABSTRACT:

It is said that children are the future of a country. The fact that children need special care and protection is well recognized. The overarching framework for children's rights is the 1989 UN convention on the Rights of the Child (CRC) that codifies all the development related to the child issues. If we talk about Indian perspective childhood was considered to be golden age in traditional India and there are some provisions for development and protection of children. Fundamental rights and directive principles of state policy protect and assure child development. Besides constitutional provisions Child Rights legislation, five year plans, various government departments and agencies have been important tools to apply these rights and their protection.

KEYWORDS: Rights of the Child (CRC), traditional India.

HISTORY OF CHILD RIGHTS

All the development related to the child issues were codified in a comprehensive universal document namely the 'Convention on the Rights of the Child (CRC) in 1989 by the United Nations General Assembly. National Governments that ratify it, commit themselves to protecting and ensuring children's rights and agree to hold themselves accountable for this commitment before the international community.

BASIC PROVISIONS OF CRC

Through its reporting guidelines and its comments on individual state's reports the committee has urged government to:

1) Develop a comprehensive national agenda for children based on the convention.

2) Ensure that all legislation is fully compatible with the convention-incorporating the convention into domestic law or ensuring that its principles take precedence in case of conflict.

3) Make children visible in the process of policy development throughout government policies by introducing a child impact assessment.

4) Ensure effective co-ordination of children's policies across government departments between the various level of government and between government and public as well as private bodies, including non-government organizations.

5) Develop permanent mechanism for co-ordination monitoring and evaluation again using the convention as the framework.

6) Ensure sufficient data collection on the state of all children under the jurisdiction of the state.

INDIAN PERSPECTIVE

India has made significant progressing many fields in the last decade in assuring children their rights to survival to protection and development. Before discussing the policies and efforts made on children's rights in India it will be helpful and essential to know the status of children from ancient to current scenario so that we can actually examine the progress in this direction.

ANCIENT PERIOD

In traditional India, thus in comparison to the west, it was early childhood that was considered to be the 'golden age' in individual's life history.

Our two great epics, the Ramayana and the Mahabharata also eulogies the Indian view of childhood whereby there is an intense parental longing for children and their upbringing is characterized by affectionate indulgence.

MEDIEVAL PERIOD

During the Mughal period, many customs crystallized that adversely affected the cause of women. The female child came to be considered as a burden and an unwelcome arrival by the parents in the families of both Hindus and Muslims, prostitution and illiteracy became prevalent.

MODERN PERIOD

In the nineteenth century, India began to discover her long cherished ideals and cultural self-consciousness. This came to be known as the period of "Renaissance" in India. The movement of social reforms began during the British rule though with a slow pace when a few educated Indians coming in contacts with western ideals started taking keen interest in ameliorating the condition of Hindu women.

PROVISION MADE IN INDIAN CONSTITUTION

The constitution of India came into force in the year 1950 guaranteeing Indian citizens and non-citizens certain basic human rights called as 'fundamental rights' in part 3rd and in part 4th which is related to 'Directive Principles of the policy' there are some provisions for survived development and protections of children.

FUNDAMENTAL RIGHTS

Article 14

Shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15

Shall not discriminate against any citizen (3) nothing in this article shall prevent the state from making special provision for women and children. (4) Nothing shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes or citizens or for the scheduled castes and the schedules tribes.

Article 17

"Untouchability is abolished and its practice in any form is forbidden.

Article 19(1)

All natives will have the right - (a) to the right to speak freely and articulation (c) to from affiliations or associations; (d) to move openly all through the domain of India ; (e) to dwell and settle in any piece of the region of India.

Article 21

No individual will be denied of his life or individual freedom aside from as indicated by methodology built up by law.

Article 21 (a)

Will give free and mandatory instruction to all offspring of the age of six to fourteen years.

Article 23

Traffic in individuals and homeless person and other comparable types of constrained work are denied.

Article 24

No child below the age of fourteen years will be utilized to work in any processing plant or mine or occupied with any dangerous business.
Mandate standards of state arrangement

Article 39 (e)

The young time of youngsters are not manhandled and not constrained by financial need to enter side interests unsuited to their age or quality; (f) that kids are given chances and offices to create in a sound way and in states of opportunity and nobility and that youth ensured against abuse and against typical and material surrender.

Article 45

Give early youth care and training for all kids until they complete the age of six years.

Article 46

Will advance with extraordinary consideration the instructive and monetary enthusiasm of the more fragile areas of the general population and specifically of the planned ranks and the booked clans.

Article 47

Raising of the dimension of nourishment and the way of life of it's kin and the improvement of general wellbeing.

Article 51

The state will try to (c) encourage regard for worldwide law and bargain.

Article 51 (a)

Parent or watchman to give chances to instruction to his youngster or as the consideration might be ward between the age of six and fourteen years.

CHILD RIGHTS LEGISLATION**1. Right to Food Legislation and Children 2013**

The national food security act 2013 was passed on 10th September, 2013 with the objective to provide for food and nutritional security in human life cycle approach by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity.

2. The Protection of Children from Sexual Offence Act 2012

"The act defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in laws.

3. The Child Labour (Prohibition and Regulation) Amendment Bill 2012

The act prohibits employment of children below 14 years. In certain occupations such as automobiles workshops, bidi-making, carpet weaving, handloom and power loom industry, mines and domestic work.

4. The Right of Children to Free and Compulsory Education Act 2009

The main purpose of the act is to outline the provisions of quality education for all children between the age of 6-14 years as per the constitutional fundamental right awarded to children in the 86th amendment.

5. Prohibition of Child Marriage Act 2006

Act has been made effective from 1.11.2007 in India. The object of the act is to prohibit solemnization of child marriage and connected and incidental matters. To ensure that child marriage is coordinate from within the society. The government of India enacted prevention of child marriage act 2006 by replacing the earlier legislature of child marriage restraint act 1929.

6. Juvenile Justice (Care and Protection of Children) Act 2000, as Amended in 2006

In this act a child or juvenile is defined as a person who has not completed his/her 18th year of age. The act projects not only the rights of children, but a person's rights when she/he was a child. Meaning that if a crime or an incident took place while the person was a child and then during the proceedings the juvenile ceased to be of age the case would continue as if the juvenile has not turned eighteen yet.

7. The Commission for Protection of Child Rights Act 2005

An act to provide for the constitution of a national commission and state commission for protection of child rights and children's courts for providing speedy trial of offence against children or violation of child rights and for matters connected these with or incidental thereto. "It also examine and review the legal safeguards provided by or under any law for protection of child rights and recommend measures into violation of child rights and recommend initiation of proceedings where necessary.

8. Infant Milk Substitutes, Feeding Bottles and Infant Foods (regulation of production supply and distribution) Act 1992

It is an act to provide for regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to children upto 14 years of age will entitled to nutritious means as per the prescribed nutritional standards. In case of non-supply of entitled food grains or meals, the beneficiaries will receive food security allowance.

9. Immoral Traffic Prevention Act 1986

In 1950 the government of India ratified the International Convention for the suppression of immoral traffic in persons and the exploitation of the prostitution of others. In 1956 India passed the suppression of immoral traffic in women and girls act, 1956 (SITA). The act was further amended and changed in the immoral traffic prevention act also known as PITA. PITA only discusses trafficking in relation to prostitution and not in relation to other purposes of trafficking such as domestic work child labour organ harvesting etc.

10. Bonded Labour System (Abolition) Act 1976

The act talks of the illegality of slave or bonded labour with reference to both adults and children. This law does not outline a more severe punishment for offence committed against a child. The act renders all bonded labour system (agreements pacts, tradition, customs etc.) to be null and void and hence frees all bonded labours from their debts to the creditors. It also bans any person shall pursue or compel a person to enter into a forced labour or a bonded labour system.

11. Hindu Adoption and Maintenance Act 1956

The above act applies to all Hindu, Buddhists, Sikhs and Jains by religion. Under this act adoptions can only be made if all the parties the minor, the giver and the adopter are all in agreements and considered it.

12. Pre-Natal Diagnostic Techniques Act, 1994 and Amendment

In 1994 the government of India in an attempt to stop female foeticide passed the pre-natal diagnostic techniques (regulation and prevention of misuse) act, in 2002 the act was amended form. The act firstly outlines provisions about the regulation of genetic counseling clinics, genetics laboratories and genetic clinic. The act prohibits the medical personnel from conducting or helping anyone conduct sex-selection.

13. Factories Act 1948

According to this act it is the duty of a certified medical practitioner or surgeon to examine and medical condition and certifies all young people working in factory.

14. Guardians and Wards Act 1890

This law is particularly outlined for Muslims, Parsis and Jews as their personal laws don't allow for full adoption only guardianship, it applies to all children regardless to race or creed.

15. The Indian Penal Code

The Indian Penal Code is uniformly applicable to all. The IPC was enacted in the year 1860 and came into force in 1861. Looking to the social conditions and norms prevailing in the Indian society, the penal code has provided special provisions which afford protection to children.

CONCLUSION

As we discussed above child rights have been the concern area of international community and some significant efforts are made on international and national level. One of them is Convention of Child Rights (CRC) 1989. There are special provisions in constitution to protect child rights. Laws are made to prohibit violation of these rights. Government of India along with its states timely review its policies towards children and launches schemes as needed for the welfare of the children.

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