

Realisation of Child Rights in India Through the Process of Public Policy Making

Gurdeep Singh,

Assistant Professor (Political Science)

Department of Laws,

Guru Nanak Dev University,

Amritsar, Punjab, India.

Abstract

The present study is an attempt of analysing the degree of the commitment of the Indian State in the implementation of child rights. The study corroborates that undoubtedly, Indian state has historically always preferred the child rights over all other social sections while framing its social welfare policies. Indian state adopts a comprehensive and multi-dimensional approach which delivering with regard to child rights. While examining the nature and various patterns of policies and programs designed for the purpose, it explicates that Indian State does concentrate on physical, social and psychological development of children. However, to achieve the international standards of child rights, India yet needs to give more priority to child rights while framing its public policy.

Keywords: Children, India, Food, Health, Education.

Introduction

Children are not merely the budding and blooming flowers of the garden of society but also the builders of a nation.¹ Therefore, the prosperity and development of any society or a state primarily is determined upon the health and well-being of its children. Besides, the children must be brought in an atmosphere of love and affection along with the tender care and attention, so that they have capacity to achieve full emotional, intellectual, spiritual stability and maturity as well as acquire self-confidence, self-respect and a balanced role. It plays crucial role in the process of nation building, without which the nation cannot develop and attain prosperity.² India more than one-third of the country's population, around 440 million, is below the age of 18 years, 40 percent among these children are in need of care and protection, which indicates the

¹ Nadir Ahmad Shah, *Child Labour in India*, New Delhi: Anmol Publications, 1997, p. 1.

² T.S.N. Sastry (ed.), *India and Human Rights Reflections*, New Delhi: Concept Publishing Company, 2005, p. 244.

extent of the problem.³ In a country like India, with its multi-cultural, multi-ethnic and multi-religious population, the problems of socially marginalized and economically backward groups are enormous. Within such groups, the most vulnerable section is always comprised of by the children.⁴ They are molested, exploited and even raped. Even in rapidly developing economy in our country, children are widely abused through the ways of being lured to undergo child labour, child begging, force to marry in their childhood and bear untold miseries.⁵

Indian government has taken several measures, policy initiatives, plans and programmes to improve the situation of children in the country. The chief purpose of these policies and programmes is to enhance the growth of those children who have not completed their teenage. The major policies and plans are discussed as following:

National Policy for Children 1974

The topmost priority of this policy was to take the initiatives for ensuring the necessary safeguards for the children. Besides, the UN Declaration of Human Rights was also implemented on the same agenda. In India, the National Policy for Children (1974) envisages that "The Nation's children are extremely important assets and it clearly lays down that socially handicapped children have been forced to begging and ultimately, they are deprived of the rights to the education, training and rehabilitation".⁶ It further pinpointed that the state shall provide adequate services to children before and after birth and to ensure their growth such as physical, mental and social development etc. Likewise, the policy mentions some essential priorities in the direction of programmes concerning to preventive and promotive aspects of child health, care of destitute children and day-care facilities for children.⁷

National Policy on Education, 1986

The National Policy on Education (NPE) establishes some crucial goals for the well-being of children, who attain the age of Eleven years by 1990, having had five years of primary education, or its equivalent, through a non-formal system of education. Basically, non-formal education (NFE) is based on small components, locality and population with target based planning. These centers are designed to enhance the involvement of voluntary agencies and Panchayati Raj Institutions, which are capable of running the NFE centers. Wherever possible, the child labourers, who after work or during holidays can attend the NFE centers for their overall growth and development. The major priority was to attract and retain girls among working children to these centers. The centre will also offer part-time courses along with

³ Rama AchyutPande, *Sexual Abus of Girl Children, Some Hidden Facts*, New Delhi: Rawat Publications, 2016, p. 2.

⁴ Satnam Singh Deol, *Human Rights in India, Theory and Practice*, New Delhi: Serials Publications, 2011, pp. 258-259.

⁵ SaritaVashista, *Crime against Children*, New Delhi: K.K. Publications, 2012, p. 207.

⁶ V.P. Srivastav, *Human Rights: issues and Implementations*, Vol. 1, Delhi: Indian Publishers, 2004, p. 311.

⁷ Ministry of Social Welfare Government of India, *Profile of the Child in India: Policies and Programmes*, New Delhi: Rekha Printers, 1980, pp. 19-20.

vocational courses for the boys as well as girls. Hence, the objective of the NFE centers would be educating children up to Class 5th with the arrangement for continuance of non-formal education up to Class 8th level, whichever possible.⁸

National Policy on Child Labour, 1986

In order to uplift the children from the vulnerable sections, the National Policy on Child Labour was formulated by the Government of India in concurrence with the legal measures to address the socio-economic issues regarding the child labour. It also provides a framework for the planned programme of action. The policy undertook several necessary initiatives for the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition, stipend and health care to those children, who are still unemployed. Moreover, it also launched projects for the welfare of working children in the areas of high concentration of child labour.⁹

National Nutrition Policy, 1993

Malnutrition is not always caused by scarcity of food, there are number of factors, which are responsible for malnutrition among children such as: inadequate child care service, lack of attention to child health, unscientific feeding practices, and malnutrition of lactating mothers etc. Furthermore, the unhygienic conditions, lack of sanitation, lack of medical attention and lack of purchasing power among the poor can be mentioned as the mounting obstacles. The primary objective of the National Nutrition Policy, 1993 is to promote the health of all the children.¹⁰ The Government of India is making sincere efforts to tackle the prevalence of malnutrition in the country. In addition, it also provides many special programmes in this direction such as the Balwadi Nutrition Programme, Wheat based Supplementary Nutrition Programme, Mid-Day Meals Programme for school children and other intervention programmes for combating specific nutritional deficiency diseases such as Nutritional Anemia Prophylaxis Programme, Goitre Control Programme along with Programme for Prevention of Nutritional Blindness due to Vitamin A Deficiency.¹¹

National Population Policy 2000

The instant purpose of the NPP is to address the unmet needs for contraception, health care infrastructure, and also provide integrated service delivery for basic reproduction. Further, its paramount intention is the economic and social development to improve the quality of lives of people, to enhance their well-being and provide them opportunities and choices to become fruitful assets in the society. Additionally,

⁸ Mohd. Mustafa and Onkar Sharma, *Child Labour in India: A Bitter Truth*, New Delhi: Deep and Deep Publications, 1996, pp. 79-80.

⁹ Pradhijaiswal, *Child Labour, A Sociological Study*, Delhi: Shipra Publications, 2000, p. 81.

¹⁰ R. Chakraborty, *Anti-Human Trafficking Laws*, New Delhi: Kamal Publishers, 2015, p. 58.

¹¹ Government of India, *National Nutrition Policy*, New Delhi: Department of Women and Child Development, Ministry of Human Resource Development, 1993, p. 13.

the policy gives attention to the improvement in the status of the children.¹² Thus, it offers a number of schemes to facilitate children such as: the free and compulsory school education until they attain the age of 14 years for both boys and girls along with universal immunization of children against all vaccine regard preventable diseases and also 100% registration of birth and death etc.¹³

The National Health Policy 2001

The chief objective of the National Health Policy is to accomplish an accepted standard of good health among the general population. The primary focus is to extend health infrastructure in remote and unsaved areas and to upgrade the health service, where it is deficient. The basic target was to increase the life expectancy to reduce infant mortality and maternal mortality. Hence, the policy calls for adequate allocation of fund for setting up an effective health delivery system throughout the country.¹⁴

Draft on National Policy and Charter for Children, 2003

The core intention of the Government of India for adopting of National Charter for Children is to reiterate its commitment for the cause of the children in order to notice that no child remains hungry, illiterate or sick. Further, the Charter concentrates to secure for every child their inherent rights of happy and healthy childhood, and to address the root causes which negate the healthy growth of children and also to aware the humanity in the wider societal context to protect children from all forms of abuse.¹⁵

Eleventh Five-Year Plan (2007-2012)

The draft of this plan was prepared by the Planning Commission of India. The Commission emphatically stated that the main agenda of plan is the overall development of the children. Further, this plan recognizes the importance of a holistic approach and also focusing on outcomes and indicators for child development as well as macro-perspective trends and governance issues. Thus, instead of these laws, policies and commitments, the commission identified the actual situation of India's children vis-à-vis health, education, early childhood care and protection.¹⁶

National Policy for Children, 2013

The Government of India has adopted Resolution on the National Policy for Children and to reiterate the commitment to safeguard and empower all children within its territory and jurisdiction, both in their individual situation as well as national asset. Therefore, the State is also committed to take positive measures to endorse and protect the right of the entire children to live and grow with equity, dignity,

¹² [www.NationalPopulationPolicy2000.pdf](#) as assessed on 10 January, 2019.

¹³ Asha Bajpai, *Child Rights in India: Law, Policy and Practice*, Second Edition, New Delhi: Oxford University Press, 2006, p. 13.

¹⁴ Chakraborty, n. 10, p. 59.

¹⁵ Government of India, *National Charter for Children*, New Delhi: Ministry of Human Resource Development Department of Women and Child Development, 2004, pp. 1-2.

¹⁶ Ms. Suman Chauhan, *Child Labour (Increasing Challenges)*, New Delhi: Educational Publisher and Distributors, 2010, p. 44.

security and freedom.¹⁷ Additionally, it adheres to the Constitutional and guiding principles of UN CRC and reflects a paradigm shift from a “need based” to a “right based” approach. It is based on the cardinal principles of right to life, survival and development, protection, non-discrimination, best interests of the child and respect for the views of the child.¹⁸ Further, the State shall generate a caring, defensive and secure environment for all children to diminish their vulnerability in all circumstances and to keep them safe at all places, particularly public spaces.¹⁹

National Plan of Action for Children, 2016

Basically, this plan is based on the principles embedded in the National Policy for 2013. It seeks to ensure convergence of ongoing programmes and initiatives of new programmes to achieve certain level of outcome. The focus of NPAC is to reach and serve vulnerable children due to gender, socio-cultural and economic or demographic exclusion. It also provides a framework for the States and Union Territories to develop their own State plans so as to protect children's rights and promote their development within the framework of NPC and Sustainable Development Goals.²⁰ Thus, children seek to cover the programmes in the area of child and maternal health, nutrition, water and sanitation, education along with children in difficult circumstances and adolescent girls.²¹

VARIOUS PROGRAMMES/ SCHEMES FOR CHILDREN

The Government of India makes various efforts to maintain the growth of the children as physically, mentally, socially and economically etc. To ensure this purpose the government has taken various initiatives from time to time. There are several programmes such as:

- **Integrated Child Development Services (ICDS), 1975**

The ICDS was sanctioned as an innovative experiment in the delivery of incorporated early childhood services as a positive step towards human resource development. The purpose of the ICDS is to improvement in the nutritional and health status of children in the age group of 0-6 years. Further, it laying the foundations for the proper psychological, physical and social development of the child along with recommends services like immunization, recommendation services, kindergarten, non-formal

¹⁷ Government of India, *Ministry of Women and Child Development*, New Delhi, 2013, pp. 1-2.

¹⁸ Government of India, Ministry of Women and Child Development, *National Plan of Action for Children*, 2016, p. 4.

¹⁹ Ibid., p. 9.

²⁰ Ibid., p. 7.

²¹ S.P. Gomango, *Child Labour: A Precarious Future*, Delhi: Author press, 2001, pp. 96-97.

learning, nourishment and health awareness. Moreover, ICDS also thrust the reduction in the occurrence of mortality, morbidity, undernourishment and school drop-out.²² Hence, the guiding principles recognize that child protection is a primary responsibility of the family, supported by community, government and civil society. The ICDS is vital initiative during the interlude of childhood.²³

- **Integrated Programme for Street Children, 1993**

The intention of this programme is to prevent destitution of children and facilitate their abandonment from streets life as well as without homes. It also affords for shelter, nutrition, health care, education and recreation facilities to street children and seeks to protect them against abuse and exploitation. The other components of the scheme contain enrolment in schools, vocational training, and occupational placement; mobilize preventive health services and reducing the incidents of drug and substance abuse, HIV/AIDS, etc. The approach of this programme is to develop awareness and give support to construct the ability of the Governments. As well, the NGOs along with community constantly work to prevent children from exploitation.²⁴

- **Pulse Polio Immunization Programme, 1995**

The supplementary immunization activities were started as National Immunization Days in 1995. The Global Polio Eradication Initiative (GPEI) considered India to be the most difficult region of the world to eradicate wild polio virus (WPV) due to high population density, poor civic infrastructure, poor sanitation, rampant malnutrition and diarrhea, difficult-to-reach locales and high population. To eradicate this disorder house-to-house vaccination drives were also held to vaccinate those children, who were not covered by fixed sites vaccination. After long duration hard work, India completed a full 5 years as a “polio-free nation” on January 13, 2016.²⁵

- **Mid-day Meal Scheme, 1995**

The Mid-Day Meal Scheme (MDM) was launched in 1995, an endeavor to enhance enrolment, preservation and attendance, while concurrently improving nutritional level among school children. The Scheme thrust to improve the nutritional status of children between 1st to 5th classes in government as well as government aided schools. It's another purpose is to encourage those children, who are basically belong nuisance background and also make their participation obligatory in schools regularly along with

²² Ministry of Social Welfare Government of India, *Profile of the Child in India: Policies and Programmes*, New Delhi: Rekha Printers, 1980, pp. 295-296.

²³ Narendra Saini, Child Abuse and Neglect in India: Time to act, *Journal of Japan Medical Association*, Vol. 56, No. 5, October 2013, p. 309.

²⁴ Shweta, *Child Rights in india, Law, Policy and Practice*, New Delhi: Arise Publishers and Distributors, 2012, p. 143.

²⁵ Naveen Thacker, Vipin M. Vashishtha and Deep Thacker, Polio Eradication in India: The Lessons Learned, Vol. 138, No. 4, *Pediatrics*, October 2016.

school activities. In October, 2007 this scheme was revised to cover children in the upper primary section i.e. VI to VIII class. Further, it offers approximate 300 calories and 8-12 grams protein meals diet to all children studying in 1st-5th class. In the context of upper primary meals, it consists of 700 calories and 20 grams of protein. In general, this programme is being conducted by local authorities with the collaboration from village panchayats, village education committees, school management committees and parent teacher association etc. Hence, MDM endorse the participation of the child in school, lessen classroom hunger and facilitate the healthy growth of a child.²⁶

- **SarvaShikshaAbhiyan, 2001**

The Government of India has launched SarvaShikshaAbhiyan (SSA) a comprehensive and integrated flagship program, which grant universal access to elementary education for children between the ages of 6-14 years old "in a time bound manner" as mandated by the 86th amendment of the Constitution.²⁷ In addition, this scheme was launched in 2001 to improve enrolment, preservation, and the value of education to permit children to attain core proper levels of learning. Therefore, its main agenda is to abolish gender differences and gaps between different social categories. Thus, the plan envelops the entire country and its all schools apart from private unaided schools. Under the scheme, regular schools facilities are to be afforded within 01 km of every habitation, to strengthen school existing infrastructure through provision of supplementary classrooms, toilets, drinking water and to improve teacher's strength throughout recruitment of additional teachers, extensive training, expand teacher-learning material along with enlargement of academic support infrastructure.²⁸ The SSA asserts main targets for the betterment future of children such as;

- a) Enrolment of all children in school, education guarantees center, Alternate school, and 'Back to school' camp by 2005.
- b) Preservation of all children till the upper primary stage by 2010.
- c) Undertaking that there is noteworthy enrichment in the learning achievements levels of children at primary and upper primary stages.²⁹

²⁶ <http://childlineindia.org.in/Mid-day-Meal-Scheme.htm>. As assessed on 12 January, 2018.

²⁷ A. Anandhy and Asha Meriam, "SarvaShikshaAbhiyan and Its Impact on Enrolment in Elementary Education in India: A Comparative Study", *EPRA International Journal of Economic and Business Review*, Vol. 3, No. 10, October 2015, p. 102.

²⁸ Planning Commission Government of India, *Evaluating Report on SarvaShikshaAbhiyan*, New Delhi, 2010, p. 6

²⁹ A. Anandhy and Asha Meriam, "SarvaShikshaAbhiyan and Its Impact on Enrolment in Elementary Education in India: A Comparative Study", *EPRA International Journal of Economic and Business Review*, Vol. 3, No. 10, October 2015, p. 102.

- **The National Rural Health Mission, 2005**

The National Rural Health Mission was launched in April, 2005 by the Government of India to endow with effective healthcare to rural population throughout the nation with particular focus on 18 states, which have delicate public health and weak infrastructure.³⁰ In reality, the NRHM intends at providing available, inexpensive, valuable, liable, and reliable healthcare to all citizens including children particularly to the poorer and vulnerable sections of the population.³¹

NRHM also provides various goals to facilitate the individuals such as;

- a. Decline in Infant Mortality Rate (IMR) and Maternal Mortality Ratio (MMR);
- b. Worldwide admittance to included comprehensive public health services;
- c. Child health, Water, Sanitation and Hygiene;
- d. Deterrence and control of communicable and non-communicable diseases;
- e. Revitalization of local health customs and main-stream Ayurvedic, Yoga, Unani, Siddha, and Homeopathy Systems of Health (AYUSH).³²

- **Creche Scheme for the Children of working Mothers, 2006**

The Rajiv Gandhi National Creche Scheme was overhauled in 2006. This was the Government's persistent initiative on education and employment of women has resulted in enlarged opportunities for their employment, working within or outside their homes. Therefore, the children of these women, who were former getting support from relatives and friends while their mothers were at, work. Now, they are in need of day care services which give quality care and defense. Further, effective day care for immature children is vital and a cost effective investment as it offers support to both mothers as well as their young children. The scheme will also assist to NGOs for running crèches for infants (0-6 years) and would provide assistance to ensure sleeping amenities, healthcare, supplementary nutrition and immunization, etc.³³

- **Central Adoption Resource Authority (CARA)**

The CARA is self-sufficient body under the Ministry of Women and Child Development, Government of India. It mainly deals with adoption of orphan, abandoned and surrender through renowned agencies. Basically, CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the Hague conventions on inter-country Adoption, 1993 and ratified by Government of India in 2003. It also acts as a clearing house of information with regards to children

³⁰ UmeshKapil and Panna Choudhury, "National Rural Health Mission (NRHM): Will it make a Difference", *INDIAN PEDIATRICS*, Volume-42, July 2015, p. 783.

³¹ <http://www.nlep.nic.in/pdf/NRHM.pdf> as assessed on February 15, 2019.

³² Anandhy and Meriam,n. 29, p. 784.

³³ <http://www.wcd.in/SchemeChildren/RajivGandhiCrechesScheme.pdf> as assessed on March 14, 2018.

accessible for inter-country and in-country and to regulate, monitor and build up programmes for the rehabilitation of children through adoption.³⁴ Additionally, it deals recruitment to foreign agencies that are engaged in sponsoring applications of overseas prospective adoptive parents. These agencies are licensed by the suitable Government Department in their country of origin to assist in-country and inter-country adoptions and process their applications for renewal, which are forwarded and recommended by the India's Diplomatic Mission.³⁵

- **Child-line Service**

CHILDLINE is a national, 24-hour emergency outreach service for children in need of care and protection. Any child or concerned adult can dial 1098 to access this service. CHILDLINE was started as a field action project of the Department of Family and Child Welfare, Tata Institute of Social Sciences Mumbai, in June 1996. This service was adopted by Government of India through the Ministry of Social Justice and Empowerment in May 1999. Basically, it is the nodal agency acting as the parent organization for setting up, managing and monitoring the child line service all over the country. Further, CIF has been functioning on all issues related with child protection such as, abuse and violence, trafficking, child labour, child marriage, street children, disability, drug abuse, missing children, child beggars etc.³⁶ CHILDLINE works at three levels,

- i. At the micro level it answers to children on the 1098 helpline, providing them emergency assistance and then connecting them to agencies or family for long term rehabilitation.
- ii. At the mezzo level, it works with the local system encompassing state governments, municipal corporations, district administrative units, village panchayats, community groups, voluntary agencies and academic institutions to create child friendly systems.
- iii. At the macro level, it works as a mechanism bringing the government, the corporate sector and voluntary agencies together to bridge gaps in services, deal with policy gaps, raise budgetary allocations and discover the adaptation of technology for child protection and the social sector in India.³⁷

VARIOUS ACTS TO DEFEND CHILDREN RIGHTS

Besides above constitutional provisions, policies and programmes, there are various special laws safeguarding the interest of the child beggars as well as child labour:

³⁴ Maharukh Adenwalla, *Child Rights and Law*, CHILDLINE India Foundation, February 2002, p. 100.

³⁵ Shweta, n. 24, p. 148.

³⁶ <http://www.childlineindia.org.in/pdf/CIF-Child-Protection-Policy.pdf> as assessed on 12 January, 2019.

³⁷ Ministry of Women and Child Development, *CHILDLINE in India: An Analysis of Calls to 1098*, Childline India Foundation, 2006, p. 16.

The Employment of Children Act, 1938: The purpose of this Act is to prevent the children in hazardous employments which are harmful and injurious their health. It also prohibits the employment of children below 15 years in certain occupations connected with the transport of passengers, goods or mails by railways connected with port authority and any work of railway premises.³⁸

Factories Act, 1948 (Section: 67): It prohibits employment of young children in any hazard or difficult assignment. This act provides the directions that no child shall be permitted to work in any factory, until he/she has not attained the age of fourteen years. The Government may also formulate the rules prescribing the maximum weights, which may be lifted, carried or moved by children employed in factories. Furthermore, it is mandatory for each factory to maintain its registers, giving all details of child workers and weekly holidays along with the facilities of paid leave.³⁹

Plantation Labour Act, 1951 (section: 24): Prohibition of employment of young children. 'No child who has not completed his 12th years of age shall be acceptable to work in any plantation.' However, the Act permits a child over twelve years to work in any plantation with the help of fitness certificate granted by a doctor. It also regulates hours of work with no work at night and prescribes a few welfare measures like education facilities for children of the plantation workers.⁴⁰

Mines Act, 1952 (section:45): No child shall be engaged or allowed to be present in any part of mine which is under ground or above ground in which any mining operation is being carried on. There is probability of young person (between 16 to 18 years) allowed to work in any part below ground with the provision of fitness medical certificate certified by surgeon.⁴¹

Indian Penal Code, 1860 and Code of Criminal Procedure, 1973

The Indian Penal Code (IPC) was drafted in 1860 is the foremost and inclusive that covers all substantive aspects of criminal law.

The Criminal Procedure Code: Section 125(1) compacts with the upholding of wives, children and parents. Particularly, this remedy is available to neglected children whether legitimate or illegitimate, which aims at preventing malnourishment and vagrancy leading to the commission of crimes. Further, section 437(1) of CrPC permits release on bail to a child less than sixteen years of age through accused of a capital offense.⁴²

³⁸ Sukhjinder Singh Tiwana, Child Labour in India: An Appraisal in M. Koteswara Rao (ed.), *Exploited Children A Comprehensive Blueprint for Child Labour Rehabilitation*, New Delhi: Kanishka Publishers, Distributors, 2011, p. 19.

³⁹ Vashistha, n. 5, P. 249.

⁴⁰ Tapan Kumar Shandilya and Shakeel Ahmad Khan, *Child Labour A Global Challenge*, New Delhi: Deep and Deep Publications, 2003, p. 90.

⁴¹ Ibid., pp. 250-251.

⁴² P. C. Sinha, *Human Rights and Indian Constitution*, Jaipur: PrismBooks (India), 2011, p. 210.

Indian Penal Code: Section 82 delineates nothing is an offence which is committed by a child below the age of seven years. Similarly, under section 83 of IPC in the milieu of above seven and less than twelve years any act done by a child is not an offence until he has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.⁴³

Section 317: Exposure and abandonment of a child less than twelve years by parent or person having care of it, i.e. father or mother is punishable with imprisonment which may extend to seven years or with fine or with both. The entity of this provision is to prevent the abandonment or neglect by parents of their children who are incapable to concern for themselves.⁴⁴

Section 354: Assaulting or using criminal force upon a woman including girl child with intention of annoyance her modesty is punishable with imprisonment which may extend to two years or with fine or both.

It is obligatory to distinguish between Section 354 and attempts to rape. When the accused undressed him and forcibly rubbed his erect pension her private parts, and makes the girl child sit in his lap it amounts to effort to rape and not mere outraging of modesty.

Section 361: Abducting from lawful guardianship is the tempting of a male less than sixteen years of age, or a female under eighteen years of age, or an unsound mind from custody of a lawful guardian without consent of guardian. This offence is punishable with imprisonment which may extend to seven years and fine.

The purpose of this provision is to protect children from being abducted or seduced for improper purpose and to defend the rights of parents and guardians having care and custody of children.⁴⁵

Section 366A: Procurement of a minor girl less than eighteen years of age is induced by the accused to go from any place or to do any act that may be forced or seduced her to illicit intercourse with another person. Such type of activity shall be punishable with imprisonment, which might extend to ten years and shall also be liable to fine.

Section 369: Kidnapping or abducting any child less than ten years with the intention of taking dishonestly any movable property from the person of such child is an offence shall be punished with imprisonment which may extend to seven years and also be liable to fine.⁴⁶

Section 372, 373: Selling, buying or hiring an individual less than eighteen years of age with target to be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful or

⁴³ M.P. Tandon, *Indian Penal Code*, Faridabad: Allahabad Law Agency, 2001, pp. 113-114.

⁴⁴ Ibid., p. 409.

⁴⁵ Jaspal Singh, *Indian Penal Code, 1860*, Delhi: pioneer books, 1994, pp. 327-329.

⁴⁶ Ibid., pp. 339- 341.

immoral purpose is punishable with imprisonment which may extend to ten years and shall also be liable to fine.⁴⁷

Section 375: "Rape" is committed when a man has sexual intercourse with or without her consent when she is less than sixteen years of age. Further, sexual intercourse by a male with own wife under 15 years of age also consider to rape. Rape is a non-bailable offence and is punishable with imprisonment (which may extend to life imprisonment in certain cases) and fine.⁴⁸

Section 376: Punishment is more stringent if rape is committed leading a woman less than 12 years of age and gang rape is also committed.⁴⁹

Section 377: Under this section sodomy is punishable; therefore sexual abuse of a boy child is covered by this provision of law.⁵⁰

The crux of the study characterizes that children are the weakest and most vulnerable section of the human society. They are incapable to raise their voice against those people who even injure them. In addition, they are also suffered by injustices such as high infant mortality, difficult health care, limited opportunities for basic education. There are also alarming accounts of children being abused and exploited as prostitutes or in harmful jobs, of children in prison or in other difficult circumstances, and of children as refugees and victims of armed conflict.⁵¹

Conclusion

The brief overview of the child rights reveals that observing the children as most innocent and vulnerable beings among humans, the international community has acknowledged various rights and freedoms which have been universally considered as prerequisite for the all round growth of the children and fullest development of the society. Worldwide, the countries have realized the child rights from time to time. India, being a responsible member of the international community and boasting as the largest democracy of the world has appropriately realized the child rights by incorporating them in the constitution, providing them constitutional safeguards as fundamental rights and making their fulfillment as obligation of the state by considering the others as the Directive Principles of the State Policy. Indian government has

⁴⁷ J.S. Sarkar, *Indian Penal Code, 1860*, Kolkata: Kamal Law House, 2001, P. 154.

⁴⁸ Ibid., P. 462.

⁴⁹ Tandon, n. 43, p. 447.

⁵⁰ Ibid., p 462

⁵¹ Vijay Kumar (ed.), *Human Rights Dimensions and Issues*, New Delhi: Anmol Publications, 2003, p. 196.

further provided legal realization and protection to the child rights through establishing and implementing the relevant acts, legislations and programmes for the same. However, the violation of child rights still frequently takes place including numerous cases of various types of child abuse and child labour. Among all types of the denial of the child rights, the practice of child begging is one of the most common and most manifest.