

Child Rights and Protection System in India

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Abstract

A child is an asset and the future of our nation. The UNCRC has defined a child as a person who has not completed eighteen years of age. India has many protection policies and rights for children. Every child has the right to freedom and inherits all the rights as a child. At the International level, the UNO has declared 1979 as the international year for children. In the Indian constitution, Article 21A states that "the state shall provide free and compulsory education to all children aged six to fourteen years". This ensures that every child receives an education and also guarantees the right to live, the right against discrimination, the right to enjoy and attain a standard of health, the right to protect from mistreatment, and the right to privacy for the children. Our country has implemented important legislation to protect the child, such as the Juvenile Justice Act 2000, the Prohibition of Child Marriage Act 2006, the Protection of Children from Sexual Offenses Act 2012, and the Child Labour Act 1986. These laws state that every citizen of our country has the responsibility to protect a child.

Keywords: Child, Legislations, Rights, Protection

Introduction

A child is an individual who has not completed 18 years of age and every country has set legal age for adulthood. In India, a committee has been set up, and it is called "The Committee on the Rights of the Child". This committee is a monitoring body of the Convention. It has encouraged the states to review whether the majority age has been limited to below 18 and to protect the children from any kind of exploitation. The United Nations Convention on the Rights of the Child (CRC) has defined that a child is anyone under the age of 18 except the law applicable to the child if the majority is attained earlier.

Child Rights: Children are authorized to have special protection and can exercise certain rights. These are outlined in various international and national laws for ensuring the welfare and growth of children. The various laws focus on education, Health, protection from exploitation, and helping them during the decisions affecting their lives. Further, they also focus on the Right to Non-Discrimination, the right to Life, the right to Participate, the Right to Health and the Right to Protection from Abuse.

Protection: Children are vulnerable, and they require special protection from mishandling, mistreatment and negligence.

Objectives

1. To study the efficacy and coverage of recent child rights protections.
2. To study the legal context and policies associated with child rights and their safety in India.

Review of Literature

The authors Reynaert, D., Bouverne-de Bie, M., & Vandeveldel, have published A Review of Children's Rights Literature Since the Adoption of the United Nations Convention on the Rights of the Child in November (2009). In the article, they stated that during the past few decades, Children's rights have become noteworthy in the field of study because of the adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989. The intellectual work on children's rights cannot be taken into account without looking at the convention as it is the bearer of the children's rights debate. The main objective of the article is to critically examine the academic part of the UNCRC. The academic part explores the study of international literature, the article maps and the academic discourse on children's rights. In the academic part of the UNCRC, the three themes are predominantly mentioned on the UNCRC. They are: autonomy and participation rights in children's rights practice and policy, children's rights in comparison with parental rights and global children's rights in the industry. These three themes differentiate modern intellectual work on the UNCRC. This is examined from the development of 'educationalization' that has been categorized as childhood in Western societies during the 19th century. The viewpoint of educationalization grants a modern research agenda for children's rights.

The Authors Tara M. Collin and Laura H.V. Wright published an article on "The challenges for children's rights in international child protection: Opportunities for transformation" in November 2022. The article has stated that Children's rights have emphasized the importance of child protection at global level. This has made everyone think about how protection is well-defined and conceptualised. Many researchers have renowned the conflict between the children's rights idea as universal and the specific certainties happening at local contexts, the understanding of the concept, and the experiences faced by them. Some researchers discuss that the let-down of child protection is because of the structure of the framework in children's rights. Moreover, the issues also lay on the traditional child protection systems and their frameworks. Added to this the understanding and operationalised by child protection actors comes into the picture. Depending on the narrative literature review, the article states various examples in supporting this view and contends that the importance should be focused on contextualizing and securing the children's rights in the protection. The article further explores the complex relationship between local and global elucidations of rights and commences that discussion among actors with different viewpoints and socio-cultural experiences of children's rights will yield better understandings and practices. These discussions will help to support the change of the current international child protection system and also to support the children, their families and caregivers to know about the children's rights and support for their prosperous life.

Methodology

The information and data for this study has been collected from secondary sources like articles, journals, magazines, Internet books and books.

Status of Children's Rights

In India, 29% of children constitute between 0 and 6 years and 73% of children live in rural regions. They have limited access to fundamental needs, which include nurture, nourishment, healthcare, education, and safety. Child rights are necessary for every child's protection, and they need to be entitled to every child, regardless of their background. The rights are defined in the United Nations Convention on the Rights of the Child (CRC) and it plays a key international treaty aimed to safeguards the well-being and development of children.

1. **Right to Life and Growth:** Each child has the right to life and nurture their full potential.
2. **Right to Education:** Each child has the right to free and compulsory education, and they need to have access to secondary and higher education based on their ability.
3. **Right to Health:** Each Child needs to have access to achieve the standard of health services.
4. **Right to Safeguard from Abuse:** Each Child should be secured from all forms of Mishandling, Negligence, and Mistreatment.
5. **Right to Family Life:** Each child has the right to stay with their parents until they have a difference of opinion. If they do not have parents, the child needs to be taken care of in a supportive family environment.
6. **Right to take part:** Each child has the right to express their opinion freely on matters which affect their protection. The measures and practices are deliberated to prevent and respond to all forms of abuse, negligence, exploitation, and violence against children. It comprises a range of activities aimed at safeguarding children and ensuring their well-being.

Key Aspects of Child Protection

Prevention System

Education and Awareness: Teaching children, families, and communities about their rights and making them recognize and further educate them about the steps to take for reporting abuse.

Reinforcement of Families: Providing support services to families for reducing the risk factors, for instance, poverty, domestic violence and substance abuse.

Safe Environments: Creating safe spaces for childrens homes at schools, parks, homes and other platforms.

Protection Systems

Authorized Frameworks: the laws and regulations need to be applied and imposed to protect children.

Child Protection Services: create agencies and services to investigate abuse allegations, give intervention, and support the affected children.

Reporting Mechanisms: Setting up reachable and secret systems for reporting suspected abuse or neglect.

Interference System

Direct Response: to make certain of a swift and appropriate response to the reports of abuse.

Support Services: Providing medical, psychological, and emotional support to children who have been abused or neglected.

Lawful Measures: to aid legal action against perpetrators and make sure that children's voices are heard in legal processes.

Rehabilitation System

Counselling and Therapy: Offer psychological support and therapy to help children overcome trauma.

Family Reunification: to help in reuniting the children with their families in a secure environment.

Education and Social Integration: help the abused children to continue their education and to participate in community life.

Monitoring and Evaluation System

Data Collection: collect data on child protection issues to inform on making the policy and put them forth in practice.

Quality Reassurance: Regularly review and improve the practices of child protection.

Advocacy system

Policy Advocacy: Working to influence the policies and practices at local, national, and international levels for strengthening the child protection systems.

Community Engagement: to involve the communities in child protection efforts and cultivate a safeguarding culture.

Laws and Policies

Juvenile Delinquency Act: the act aims to address and rehabilitate juvenile offenders at the age of 16-18 years. This act provides a framework for children who conflict with the law and for children who need care and protection.

Child Labour Act: The Child Labour Act aimed to forbid the employment of children in hazardous occupations. The act also enables to regulate the working conditions of children. The act has demarcated a child as an individual who is below the age of 14 years. This act has underlined the significance of education and the importance for a child to study in schools.

Protection of Children from Sexual Offenses (POCSO) Act: The POCSO Act was endorsed in 2012. It delivers a lawful framework for protecting children from sexual abuse and mistreatment. The act has stated various forms of sexual offenses against children. The act creates procedures for reporting and investigating the offense. The act delivers for the formation of Special Courts to accelerate the trial process for cases involving child victims.

Prohibition of Child Marriage Act, 2006: The Act was legislated to prevent child marriages in India and to protect children from the hostile effects of early marriage. The act has stated that the lawful marriage age for girls is 18 years and for boys is below 21 years. It has further stated that child marriage is illegal and voidable and also provides legal grounds for invalidation.

S.No		Strength	Challenges
1	Legislative Framework	Broad Legislation: India has several laws for protecting child rights and ensure their well-being. There are national policies and also state-level initiatives which aimed at improving the child welfare.	Execution Gaps: the gaps in implementation are ascended because of inadequate resources and bureaucratic ineffectiveness.
2	Child Protection Systems	Institutions and Courts: The National Commission for Protection of Child Rights (NCPCR) and state commissions are working to address child rights issues. The formation of special courts ensures speedy trials and child-friendly measures.	Overloaded Systems: the child protection institutions are underfunded and overburdened thus affecting the efficiency.
3	Education	Increased enrolment: Several act has helped in increasing the school enrolment rates and improvisation in infrastructure.	Quality of Education: the quality of education has declined in facilities, teacher shortages, and poor learning outcomes.

4	Health and Nutrition	Health Initiatives: the government programs focus on improving child health and nutrition, by Integrated Child Development Services (ICDS) and National Rural Health Mission (NRHM).	Malnutrition and Health Services: Malnutrition is a major issue in India. this is a major cause because of lack of access to adequate health services and nutritious food.
5	Abuse and Exploitation	Legislative Measures: there are many legal frameworks for addressing the sexual abuse and exploitation.	Underreporting and Stigma: the abuse cases are not reported due to stigma, fear of punishment, and lack of awareness about reporting mechanisms.
6	Social and Cultural Factors	Increased Awareness: There is an increasing awareness and advocacy on child rights issues, by NGOs, media, and civil society organizations.	Social Norms: the social practices like child marriage and gender discrimination, is impacting the rights of a child.

The United Nations Children’s Fund (UNICEF), is an organization that advocate for the rights of children at the international level. The UNICEF functions for international treaties and conventions. The core child rights emphasized by UNICEF:

- Right to Survival: Safeguard the right of children to life, health and nutrition. Then to retain the standard of living for their physical, mental, spiritual, moral and social development.
- Right to Development: Concentrate on children’s right to education, play and recreation. Then to encourage holistic development and also to access quality services.
- Right to Protection: protects children from abuse, negligence, mistreatment and violence. Further emphasizes the need for legal frameworks and protective measures.
- Right to Participation: Inspire the children to tell their point of view openly about the problems affecting them.
- Right to Non-Discrimination: To Guarantee that every child is authorized to their rights without discrimination thus promoting equity.
- Right to Identity: It Describes the importance of a child’s right regarding their name, nationality and personal ties. It cherishes a sense of belonging and identity.
- Right to Family: Advocate for children be raised in a family setting and this will help them to receive love, care and support.

Conclusion

India has made important progress in advancing child rights and protection. Certain challenges that remain in ensuring that all children are benefitted equally. These challenges require continuous efforts from the government, civil society, and communities to bridge the gaps in implementation, enhance service delivery and also to solve the socio-economic barriers. The Continuous monitoring system, allocation of resources, and policy adjustments play a vital role in refining the status of child rights and protection systems in India.

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