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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

THE RIGHTS OF CHILDREN IN INDIA: A BEGINNING

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INTRODUCTION

An important thing for a country to have is its children, and the success of every country depends on how well its children grow up. Now, our culture's main goal has been to protect kids from all kinds of abuse and mistreatment. There have been many in the past.

Child abuse, marriage, not getting enough food, emotional abuse, battery, prostitution, child pornography, and work are all forms of child exploitation. Children's rights have become one of the most important issues to talk about in this new century.

Children today are part of an impoverished minority group because they live in a world of human rights and social justice. One main reason for this lack is that children are still not a fully formed political unit. In addition, they usually have no way to protect themselves physically, mentally, or financially. Because of globalization, things change so quickly that babysitting has been pushed to the side. Not only does it have to do with morality, but it also has to do with current social and economic needs. Without a doubt, children hold a lot of importance for the future of humanity. However, even back then, children were only briefly and selectively included in social and political issues. There are some Many Indian rules and policies are in place to protect the rights of children. These have been considered. However, it shows that India still has not met the rights of children. This article talks about and presents constitutional provisions, laws, important court decisions, and the Indian government's strategy for protecting children's rights.

By general definition, a child is someone younger than eighteen years old. People think of young people as the future of the country. The progress of the country rests a lot on its growth. Giving kids the basic rights they deserve has made huge strides in many areas.

People think of children as a weaker or minority group that needs extra protection and rules because they are more likely to be abused and exploited. It is up to the government to raise and grow its younger citizens.

By several different rules, the Indian Constitution gives children rights. Most of the child rights rules in the UN Convention on the Rights of the Child (1989) were written into the Constitution as Fundamental Rights and Directive Principles of State Policy when it was made.

The UN approved the Convention on the Rights of the Child (CRC) in 1989. It is a global agreement that all signatory states must follow. In many of its pieces, it has talked about children's rights without any kind of bias. It was signed by India on December 11, 1992. The different ideas that the CRC is built on are laid out in the preamble.

In 1989, the UN passed the Convention on the Rights of the Child (CRC). All states that have signed must follow the rules of the global deal. For a lot of its works, it has talked about kids' rights without any bias. The Indian government signed it on December 11, 1992. They explain the main thoughts behind the CRC in the beginning.

The legal parameters of a child

The Indian Constitution does not say what a "child" is. Article 1 of the United Nations Convention on the Rights of the Child from 1989 says that a child is anyone younger than eighteen years old unless the law says that the child can become an adult earlier. A child is generally defined by the law based on what it is used for. In India, the word "child" is defined by different rules based on what they mean.

The Indian Majority Act of 1875 says that a person is an adult when they are 18 years old. A child whose person or property is under the care of a guardian until they turn 21 years old is also considered to be an adult.

The Child Labour Act of 1986 says that a "child" is any person younger than 14 years old. This law from 1926 says that a person cannot get married until they are at least 21 years old if they are a boy and 18 years old if they are a girl. The Juvenile Justice (Care and Protection) Act of 2000 says that a person under the age of 18 is a juvenile or kid.

India's economy is growing, and the government has taken several steps to fight poverty, but a large part of the population still lives in poverty. There are a lot of economic differences, and

kids are the ones who are most impacted. For kids, there are eight main types of rights: the right to life, the right to health, the right to safe water, the right to food, the right to education, the right to be safe, the right to be free, and the right to know who they are.

Child-related constitutional provisions

The Constitution of India, which serves as the highest legal authority in the country, has established a range of constitutional safeguards aimed at safeguarding the rights of children. The Indian Constitution has established several clauses that serve as assurances for every citizen, including children, to be free from misuse and to secure the protection of their rights. It is ensured by the state, under constitutional norms, to safeguard against the violation of children's rights. In addition to this, a variety of legislative measures, including Acts, policies, projects, and schemes, have been developed to safeguard the rights and welfare of children.

According to Article 21A, the State is obligated to provide free and compulsory education to all children aged six to 14 years, as specified by the State's legal authority. According to Article 24, it is prohibited to employ or involve any kid below the age of 14 in hazardous labor within factories or mines.

Article 39(f) specifically mandates that the Commission's policies must be directed. To guarantee that children have access to optimal developmental opportunities and the chance to grow healthily while experiencing freedom and dignity.

According to Article 45, the State is obligated to make efforts to offer early care and education to all children before they reach the age of six. According to Article 46, it is imperative to safeguard vulnerable segments of society, including children, against instances of social injustice and various forms of exploitation. Article 47 protects the entitlement to adequate nourishment and a satisfactory quality of life.

Child rights legislation in India

The Children's Act

The Madras Children's Act of 1920, India's inaugural Children's Act, was enacted based on the suggestions put out by the Indian Jails Committee between 1919 and 1920. The statute in question

pertained to the province of Madras at the provincial level. Subsequently, the Bengal Children's Act and the Mumbai Children's Act are enacted, along with numerous other legislations in the future. The Children's Act was enacted by the Government of India in 1960 inside the territories of the Union. The Juvenile Justice Act, of 1986 eliminated all of these legislations.

According to the Child Labour (Prohibition & Regulation) Act of 1986,

This legislation has been enacted in response to proposals put forth by various committees. The parliament enacted the Prohibition and Regulation Act of 1986, often known as the Child Labour Act, to establish consistent and comprehensive legislation to limit the involvement of children in several other professions. The aims of this legislation are as follows:

- Prohibit the use of minors in designated professions and procedures, namely those who have not yet reached the age of 14.
- Implementing protocols to ascertain modifications to the schedule of prohibited employment or any perilous procedures.
- Establishing regulations about the working conditions of minors who are not explicitly forbidden from engaging in employment.
- The additional punishment shall be established in contravention of the requirements of this Act and other Acts that prohibit the employment of minors.

The legislation was modified in 2016 with the enactment of the Child Labour (Prohibition & Regulation) Amendment Act, 2016, resulting in the current designation of the Act as the Child and Adolescent Labour (Prohibition and Regulation) Act in 1986.

According to Section 2, the term "child" is defined as an individual who has not yet reached the age of fourteen or any other age stipulated in the Right of Children to Free and Compulsory Education Act, 2009, whichever is higher.

According to the Juvenile Justice (Care and Protection of Children) Act of 2015,

This law serves as India's primary legislation in addressing the needs of children requiring care and protection, along with the goals of the UNCRC. The organization addresses the needs of individuals by providing care, protection, development, therapy, and social reintegration. It adopts a child-friendly strategy that prioritizes the best interests of children.

The Right to Education Act of 2009

The objective of this legislation is to ensure that every kid in India, aged 6 to 14, receives education that is both free and mandatory. No kid must be subjected to detention, expulsion, or the obligation to pass the board test until the completion of elementary education. If a kid who is over the age of 6 has not attended or completed primary school, they will be admitted to a suitable class based on their age. The primary accomplishments that have been facilitated by this legislation are as follows.

- A total of 3.3 million pupils successfully obtained admission with the implementation of a 25% RTE quota.
- Ensuring fair and reasonably priced education across the entire region.
- The elimination of "no detention rules" has enhanced the transparency of the elementary school system.

The Samagra Shiksha Abhiyan encompasses three educational schemes for schools: The three centrally sponsored schemes in India are: -

- the Sarva Shiksha Abhiyan (SSA),
- the Rashtriya Madhyamik Shiksha Abhiyan (RMSA),
- and the Centrally Sponsored Scheme on Teacher Education (CSSTE).

The POCSO Act of 2012

In India, a novel legislation was enacted to address the matter of sexual offenses committed against minors. The adoption of "The Protection of Children against Sexual Offences (POCSO) Act 2012" by the Government of India aims to address instances of child abuse. The Act was implemented on 14 November 2012, in conformity with the established criteria. The legislation defines a child as an individual who is below the age of 18 and provides safeguards against sexual assault, harassment, and sexual entertainment for all children. An offense is considered to be "aggravated" when it is perpetrated within the context of a child's position of trust or power, such as by individuals affiliated with security services, public officials, government officials, and similar entities. The Act ensures the establishment and safeguarding of the child's welfare throughout every legal stage of the special courts for initial offenses as outlined in the Act. The

legislation encompasses legal rules that are designed to be child-friendly, encompassing the reporting, recording, examination, and prosecution of crimes.

Child policies and programs in India

The Indian government has implemented a range of programs aimed at promoting the holistic development of children, encompassing their physical, mental, and social well-being. The government has implemented various measures for the welfare and education of children. The following are several significant policies.

Enacted in 2013, the National Policy for Children

The 2013 National Children's Policy reiterated the notion that each child possesses unique national values and holds significant importance. The NPC 2013 modifies its overall reaffirmation portions, specifically highlighting the notion that each kid possesses distinct qualities and holds significant value as a national asset. "It is highly encouraging to observe the shift in language that genuinely confirms the state's dedication to a rights-based approach in tackling the ongoing and emerging challenges concerning children." Eighth. "To mitigate or eliminate factors that lead to prejudice, it is necessary to implement specific measures and governmental policies targeting children in society." Within the framework of happiness, love, and comprehension, every youngster possesses the entitlement to cultivate within a familiar sphere. Families should be fortified by a strong social safety net when considering and providing assistance to their children.

The National Health Policy for 2002

The first health change, which happened in 1983, was put in place to make sure everyone was healthy in 2000. The second health policy from 2002 said that health issues in schools should be given top priority. It tried to do this through health education and regular health checks in schools. It was acknowledged in the policy that children are vulnerable. What it says is "(paragraph) 2.2.2 There have been big differences in who can use and gain from the public health system, depending on their income and how vulnerable they are. This is especially true for women, children, and socially poor people. The main idea behind this strategy was to stop diseases like HIV/AIDS from spreading and to vaccinate everyone against all the major diseases that could be avoided.

Matru Vandana Yojana by Pradhan Mantri

The program started in 2017 and now includes cash awards and some financial help so women can get enough rest during both the preparation and delivery stages. Women who are pregnant or breastfeeding will be more likely to be healthy and happy thanks to the way the cash grants work.

Scheme for the Integrated Development of Children

The Scheme's goals are to improve the well-being of children who live in difficult situations and to lower the risk factors for situations and actions that lead to mistreatment, neglect, abuse, surrender, and separation from a parent. People were hoping to make a place where people could report missing children and look at other sites without wasting too much time, so the Khoya-Paya portal was added to the Monitor Child app as a "citizen corner." Teenagers who were found should also be held responsible. Anyone in the country can sign up for Khoya Paya with a mobile number. "The Kishori Shakti Yojana is a program for teenage girls that is run by Anganwadi Centres as part of ICDS Projects." The plan's goal is to give teenage girls more confidence, boost their mood, and restore their sense of worth. There are two parts to the scheme: the Girl-to-Girl Approach and the Balika Mandal Scheme.

Plans to help kids stay healthy and eat right

"The Planning Commission is providing extra help to the Nutrition Programme for Adolescent Girls and the Nutrition Part of the Prime Minister Gramodya Yojana to improve the nutrition of children."

"There is also a National Nutrition Mission that gives policy advice to the government departments that need it to help solve the problem of children being malnourished."

Beti Bachao Beti Padhao

Beti Bachao, Beti Padhao is a platform that aims to raise awareness and enhance knowledge in the field of girls' wellbeing. The strategy addresses the declining corporate social responsibility (CSR) and associated challenges of women's empowerment throughout a complete life cycle. The three ministerial endeavors in question are the Ministries of Women's and Child Development, Health, and Family Welfare, and Human Resources Development. The plan comprises several essential elements, including a nationwide awareness and support campaign, the enforcement of the PC&PNDT (Pre-Conception and Pre-Natal Diagnostic Techniques) Act, the facilitation of early

childhood education, and the implementation of multi-sectoral initiatives in specific areas of BBBP. There is a strong emphasis on promoting mental transformation through training, honing, mindfulness training, and community development on the ground.

CONCLUSION

In every community, kids are seen as very useful tools. The growth and progress of the country are important for its future well-being. Child says that the famous author Milton writes about people in a way that makes you think of dawn. It is the responsibility of society to give each child complete care, which will help them grow as a person in all areas. Children are about to take on the role of leaders and torchbearers in society. These things give us knowledge, hold our cultural heritage, shape the way we think, and shape our philosophical beliefs. Along with respected teachers, scholars, judges, administrators, doctors, planners, engineers, and leaders, children play a key part in shaping the future.

Unfortunately, a lot of kids don't have what they need, which leaves them open to being exploited and violates their right to youth and education. Because of this, it is clear from what we've talked about so far that many laws have been made in India.

Children are weak because their minds are still growing. They must be put in a setting that encourages growth and development. There should be proper care and security for all children in the state. The Constitution and several international laws help India defend the rights of children. Even though there are a lot of rules and laws, there are still a lot of problems. Children have been cheated out of justice many times. A lot of social problems still exist, like child labour, kidnapping, marriage, rape, and so on. More severe penalties and stricter enforcement of these rules are needed to make them less likely to be broken. Since parents can't be away from their kids, it's important to teach them their rights to keep them safe and give them a better life in the long run.

India is one of the biggest democracies in the world, and while she often feels the weight of its one billion citizens, that weight could become her greatest strength if the people were encouraged to support children's rights and call out and condemn violations. When we see a young girl in rags navigating the busy city streets of India to sell strands of fragrant jasmine flowers for a few

rupees, we know something is wrong. When we see a young servant boy getting hit because he is late with a customer's chai order, we know something is wrong. When we see the faces and lives behind each statistic and know that they represent the kids in our lives and the people who work for us, unless the people who work for us, make the soccer balls we carelessly kick, are moved to stop and act as satyagrahis, most of India's children will have no hope.

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