



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL **TEAM**

Raju Narayana Swamy (IAS) Indian Administrative Service **officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated 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

CONSTITUTIONAL AND STATUTORY PROTECTION OF CHILDREN IN INDIA

AUTHORED BY - R.NALINI

ABSTRACT:

In the preceding chapter of this research we have adequately demonstrated the meaning, nature, scope and extent of child rights violation, child exploitation of children by various sections of the society. However, all the aforesaid types of child rights violation does not always take place because of the paucity of laws or our legislators were unaware of the need of child welfare, but it occurs due to unawareness in the society to protect the interest of the child. Due to tender age, weak physique and lack of developed mind and understanding, child has been subjected to special laws and legal protection at national and international level.

This chapter basically highlights various existing Legislations deals with the child rights protection. Most of these laws have provisions to deal with the rehabilitation and protection of the socially and economically abused and neglected children. Although the term child has not been defined under the Indian Constitution of India, but the Constitution makers were aware about that the children require special care, treatment as because of their physical and mental immaturity which reflected under various Articles of the Constitution of India, such as Article 15(3) empowers the State to make special provisions for children and Article 24 prohibits the employment of children below fourteen years of age in factories and hazardous employment. This certainly shows the concern towards the health and safety of the children of India.

The children are the future, assets of the nation that is why Article 39(e) of Constitution deals with that —the State shall direct that health and strength of workers, men and women and tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age and strength. Further Article 39(f) deals with that children are given opportunities and facilities to develop in a healthy manner and in conditions of Freedom and dignity and that childhood and youth are protected against various exploitation and moral and material abandonment. Article 45 provides that the State shall endeavour to provide within a period of ten years from the commencement of the Constitution, free and

compulsory education for all

children until they attain the age of fourteen years. By 86th Amendment in Constitution of India, Article 21A has been added¹ for providing free and compulsory education to all children between six to fourteen years of age.

In every civilized society, the welfare of the child is considered to be paramount and the state can never overlook the most valuable asset of the nation- the child. Every necessary step is to be taken by the state for the proper growth and overall development of children. Accordingly, Constitution of India and other legislation in accordance with the international norms and regulations provide some specific provisions for the protection, welfare and overall development of the children so that they can avail their minimum basic human rights and be protected from exploitation and abuse.

ROLE OF GOVERNMENT IN PROTECTION OF CHILD RIGHTS

Millennium Development Goals and other Commitments in India

The efforts to meet and exceed the MDGs in India are a stated objective in many of the key policy documents of the country including the National Five Year Plan.

Child Protection in Five Year Plans

It is a fact that the growth, development and welfare of a community greatly depends on the well-being of the children. They are the future of a nation and therefore need special care and protection from every possible angle. Many welfare measures have been taken for them; various laws have been enacted to protect their interests. At the same time the Government of India, to some extent has also protected their rights in each five year plans. A bird's eye view of these plans is presented below:

The First Five Year Plan (1951-56)

Initially identified health, nutrition and education as major areas of concern with regard to children. The Central Social Welfare Board was set up in year 1953 to address the needs of children, women and persons with disabilities.¹

Second Five Year Plan (1956-61) aimed at strengthening the child welfare systems. Welfare projects were extended to become the Coordinated Welfare Extension Projects in 1958 and the

¹ <https://www.childlineindia.org.in/Child-Rights-in-the-Five-Year-Plans.htm>

Children's Act was passed in 1960.²

The Third Five Year Plan (1961-66)

The child was recognised as a human being with special needs and special efforts were made to coordinate between sectors to ensure these needs. During this period not nutrition programmes were set up. And the kothari education commission was set up in search out solutions to the lack of universal education for children.

The Fourth Five Year Plan (1969-74)

Focused on getting basic services to children. Two major child policies came into existence, the national education policy in 1968 (as recommended by the kothari education commission) and the national policy for children in 1974.

The fourth five year plan also saw the establishment of the following schemes:

The Special Nutrition Programme, Balwadi Nutrition Programme and Prophylaxis Scheme against Blindness due to Vitamin A Deficiency among Children. Further, three National Institutes for the Blind, the Deaf and the Mentally Retarded and a National Institute of Orthopedically Handicapped was also set up under the said plan.

The First Five Year Plan (1974-79)

Saw a shift from child welfare to child development where again coordination of services was the main agenda. A major accomplishment in 1975, which was a result of all plans so far, was the launching of the integrated child development scheme. 1975 also saw the start of the scheme of creches/day care centres for children of working and ailing mothers. Another major achievement was the setting up of the national children's fund in 1979.

The Sixth Five Year Plan (1980-85) emphasis was when for the first time planners took into consideration the needs of working children. Programmes were undertaken to improve the health, nutrition and educational status of working children. Health concerns of children also took priority in these plan years with the introduction of the National Health Policy and the formulation of the Indian National Code for Protection and Promotion of Breast Feeding.³

² Ibid.

³ Ibid.

During the Seventh Five Year Plan (1985-90) saw the establishment of the Department of Women and Child Development in the Ministry of Human Resource Development was established with an aim, not only to protect the rights of the children, but also to provide welfare measures for their overall development. In 1986 the Government of India repealed the Children's Act and passed the Juvenile Justice Act 1986 instead and updated the National Education Policy. Next year, in 1987 the National Child Labour Project was started in areas that saw a high number of child labourers. Lastly in 1990 the government set up CARA, to handle all concerns and issues regarding adoption of children. During the Annual Plan (1990-92) a significant expansion of programmes and services for the welfare of the Disabled took place. For education of the disabled children, almost all the states implemented programmes to provide stipends and other incentives to the Disabled at the elementary school stage.⁴

During the Eighth Five Year Plan (1992-97) India ratified the UNCRC thereby making it a legal binding document. There was continued work in areas of day care, education, health, etc. But this plan pays special focus also to the needs of the girl child. In 1992 the government adopted the National Plan of Action for the Girl Child. Some states also prepared similar documents and schemes for the girl child, for example, Haryana instituted the 'Apni Beti Apna Dhan' Scheme, Tamil Nadu initiated the 'Cradle Scheme', and Rajasthan introduced the 'Raj Lakshmi Scheme'.⁵

The Ninth Five Year Plan (1997-2002) continued to address the plight of the girl child, concentrating on addressing the problem of the declining sexratio as well as female foeticide and infanticide. In the field of health the government introduced the Reproductive and Child Health programme (RCH). In the field of education the government launched Sarva Shiksha Abhiyan (SSA) in 2001-02. The new Juvenile Justice (Care and Protection of Children) Act was also passed in the year 2000.⁶

The Tenth Plan (2002-07), the approach has shifted to a right-based one, insuring the survival, development and protection of children. The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was amended in 2003 to further address the problems of female foeticide and infanticide. Many other goals were set out such as reduction of Infant Mortality

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

Rate (IMR) to 45 per 1000 live births by 2007 and reduction of Maternal Mortality Rate (MMR) to 2 per 1000 live births by 2007. These goals were to be accomplished by expanding existing scheme such as ICDS, universal immunization, Sarva Shiksha Abhiyan, etc. Major accomplishments have been a constitutional amendment making the Right to education a fundamental right, the amendment of the JJ act, and the adoption of the Goa Children's Act of 2003.

The Eleventh Five Year Plan (2007-12) clearly states "Development of the child is at the centre of the Eleventh Plan". According to the MWCD working group report the plan outlines its work according to the National Plan of Action for Children (NPAC) 2005. There are four key areas the plan address: ICDS, Early Childhood Education, Girl child and Child Protection. The plan calls for further expansions of the ICDS services and reiteration of major concerns about infrastructure, training of workers, quality of services, etc. Early childhood education needs a boost with regards to access, day care services, infrastructure, training, minimum standards and regulatory mechanisms, and revamping curriculum. With regard to Girl child the plan reiterates the goals set out in NPAC. Age specific and setting specific interventions are needed for girls. The eleventh plan recognizes the need for Child protection programmes and initiatives. It specially addresses the need of those children that have fallen out of the purview of previous interventions and hence fallen on difficult times. According to the MWCD report the eleventh plans idea of child protection is very limited and does not cover all commitments of NPAC. The Eleventh Plan also recognized the need of for child protection programmes and initiatives. An important change recommended, by the Ministry of Women and Child Development, which was not included in the previous five year plans, was the introduction and adoption of the Integrated Child Protection Scheme (ICPS) in the protection agenda of the XIth Plan.⁷

The strategy for child development in the Twelfth Five Year Plan (2012- 2017) will build on what has already been achieved in the Eleventh Plan. The fulfillment of child rights will constitute sensitive lead indicator of national development, at national, state, district and local levels and be reflected monitor all targets for the Twelfth Plan. The Plan needs the key, child related policies an legislations to be developed and or strengthened to create the enabling policy environment needed to fulfill children's rights. Setting up of State Commissions tor protection of child rights, is required to be made mandatory. The Protection

⁷ Ibid.

o Children from Sexual Offences Act 2012, passed in Parliament will be taken forward in the Twelfth Five Year Plan. Review and updating of the National Policy for Children 1974 to fulfill children's rights and harmonization of State policy interventions is a critical initiative in the Twelfth Plan. Institutional arrangements will also need to be strengthened for improved formulation, regulation implementation and monitoring of child rights related legislations, policies, plans and monitoring of child rights related legislations policies, plans, and interventions across child specific and child related sectors. The Twelfth Plan places special emphasis on education. Strengthening Early Childhood Care and Education (ECCE); introduction of a developmentally appropriate curriculum framework with joyful learning methodologies; inclusive approaches for reaching the most vulnerable children in need of care and protection and in conflict with law; amendment of Juvenile Justice Act etc. are some other main thrust of the this Plan.⁸

National Policies for the Protection of Children in India For the welfare of children, the Government of India from time to time has adopted various policies and plan documents which may be enlisted below: a) National Policy for Children, 1974;

b) National Policy for Children, 2013;

c) National Policies on Education, 1968, 1986 and 1992;

d) National Policy on Child Labour, 1987;

e) National Nutrition Policy, 1993;

f) National Health Policy, 2002.

- a) National Policy for Children, 1974 The National Policy for Children, 1974 is the first policy document concerning the needs and rights of the children. It recognizes the children to be a supremely important national asset. The goal of the policy is to take the next step in ensuring the constitutional provisions for children and the United Nations Declaration of the Rights of the Child are implemented properly. Further, it outlines services the state should provide for the complete development of a child, before and after birth and throughout a child's period of growth. The following measures shall be adopted towards the attainment of these objectives:

- a) All children shall be covered by a comprehensive health programme.

⁸ Ibid.

- b) Programmes shall be implemented to provide nutrition services with the object of removing deficiencies in the diet of children.
- c) Programmes will be undertaken for the general improvement of the health and for the care, nutrition and nutrition education of expectant and nursing mothers.
- d) The State shall take steps to provide free and compulsory education for all children up to the age of 14 for which a time-bound programme will be drawn up consistent with the availability of resources. Special efforts will be made to reduce the prevailing wastage and stagnation in schools, particularly in the case of girls and children of the weaker sections of the society. The programme of informal education for pre-school children from such sections will also be taken up.
- e) Children who are not able to take full advantage of formal school education should be provided other forms of education suited to their requirements.
- f) Physical education, games, sports and other types of recreational as well as cultural and scientific activities shall be promoted in schools, Community Centre and such other institutions.
- g) To ensure equality of opportunity, special assistance shall be provided to all children belong to the weaker sections of the society, such as Children belonging to the Scheduled Castes and Scheduled Tribes and those belonging to the economically weaker sections, both in urban and rural areas,
- g) Children who are socially handicapped, who have become delinquent or have been forced to take to begging or are otherwise in distress, shall be provided facilities of education, training and rehabilitation and will be helped to become useful citizens
- h) No child under 14 years shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work.
- i) Facilities shall be provided for special treatment, education. Rehabilitation and care of children who are physically handicapped, emotionally disturbed or mentally retarded.
- j) Children shall be given priority for protection and relief in times of distress or natural calamity.
- k) Special programmes shall be formulated to spot, encourage and assist gifted children, particularly those belonging to the weaker sections of the society.
- l) Existing laws should be amended so that in all legal disputes whether between parents or institutions, the interest of children, are given paramount consideration,

- m) In organising services for children, efforts would be directed to strengthen family ties so that full potentialities of growth of children are realized within the normal family, neighbour-hood and community environment.

b) National Policy for Children, 2013

On April 18th, 2013 the Union Cabinet approved the National Policy for Children to help in the implementation of programmes and schemes for children all over the country. The policy gives utmost priority to right to life, health and nutrition and also gives importance to development, education, protection and participation. In the starting part, it speaks that, —The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. To affirm the Government's commitment to the rights based approach in addressing the continuing and emerging challenges in the situation of children, the Government of India has hereby adopted this Resolution on the National Policy for Children, 2013. Through this policy the State is committed to take affirmative measures legislative, policy or otherwise to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent Children from enjoying their rights.

The guiding principles of National Policy for Children 2013 are:

- a) Every child has universal, inalienable and indivisible human rights.
- b) The rights of children are interrelated and interdependent, and each one of them is equally important and fundamental to the well-being and dignity of the child.
- c) Every child has the right to life, survival, development, education, protection and participation.
- d) Right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality.
- e) Mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality.
- f) All Children have equal rights and no child shall be discriminated against on grounds of religion, race, caste, sex, place of birth, class, language, and disability, social, economic or any other status.
- g) The best interest of the child is a primary concern in all decisions and actions affecting

the child, whether taken by legislative bodies, courts of law, administrative authorities, public, private, social, religious or cultural institutions.

h) Family or family environment is most conducive for the all-round development of children and they are not to be separated from their parents, except where such separation is necessary in their best interest.

i) Every child has the right to a dignified life, free from exploitation.

j) Safety and security of all children is integral to their Well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities.

k) Children are capable of forming views and must be provided a conducive environment and the opportunity to express their views in any way they are able to communicate, in matters affecting them.

l) Children's views are to be heard in all matters affecting them. In particular judicial and administrative proceedings and interactions, and their views given due consideration in accordance with their age, maturity and evolving capacities.

National Policy on Education, 1968, 1986, and 1992 Education has always been accorded an honored place in Indian society. In the post independence period, a major concern of the Government of India and the States has been to give increasing attention to education as a factor vital to national progress and security. Problems of educational reconstruction were reviewed by several Commissions and Committees and at last, in the year 1968, the Government of India came out with a 'National Policy on Education' to promote the development of education in accordance with the principles like free and compulsory education; status, emoluments and education of teachers; development of languages; equalization of educational opportunity; identification of talent; work experience and national service; science education and research; education for agriculture and industry; production of books: Examinations; secondary and university education; part-time education and Correspondence courses; spread of literary and adult education etc. This Policy marked a significant step in the history of education in post independence India. It aimed to promote national progress, a sense of common citizenship and culture and to strengthen national integration. It laid stress on the need for a radical reconstruction of the education system, to improve its quality at all stages, and gave much greater attention to science and technology, the Cultivation of moral values and a closer relation between education and the life of the people.

In 1986, another 'National Policy on Education' was adopted by the Government of India. In

a comprehensive manner, it redefined the educational priorities and mainly emphasized on universal primary education. This Policy has explicitly recognized the importance of early childhood care and education as a crucial the importance of early childhood care and education as a crucial input not only for human development but also for universalisation of elementary education and development of women. Accordingly, programmes relating to early childhood education, has been recognized and more child oriented schemes have been undertaken again in 1992. =

National Policy on Education.1986 was modified and states that, the aim of education is to keep intact India's long accepted values of secularism, socialism, democracy and professional ethics. Education is fundamental to all round development of a person. The 1992 National Policy on Education promises efforts to develop a common school system through 10+2+3 Structure. With the amendment of Indian Constitution in 1976, education has been placed on the concurrent list which gives the central government a bigger role in the implementation of education. In an attempt to remove inequalities in the education system, the Policy emphasizes the importance of special programmes for marginalized groups such as women, scheduled castes, scheduled tribes, handicapped etc. the policy not only identifies the need to pay attention to minority groups and other backward sections of the society. but also emphasized that hill, desert and remote areas will be provided with adequate institutional infrastructure. Recognizing the impact of early years to the development of a child, the Policy makes room for early childhood care and education through the Integrated Child Development Services Programme. With regard to elementary education, the policy makes three important commitments like universal access and enrollment; universal retention of children up to age of fourteen; and improvement in quality education. According to this policy, the highest priority will be placed on solving the problem of dropouts, and ensuring retention at school level.

d) National Policy on Child Labour, 1987 On 12th August, 1987 a three point National Policy on Child Labour was announced by the government providing for legal action, general welfare and development programmes for the benefit of child labourers wherever possible and project-based plan of action in areas of high concentration of child labour engaged in wage / quasi - wage employment as well as for rehabilitation of children. Thus the National Policy on Child Labour, 1987 is considered as another important document meant for the protection of rights and interests of child labourers. It envisages: a) A legislative action plan. b) Focusing and convergence of general development programmes for benefiting children wherever possible; and c) Project-based action plan of action far launching of projects for the welfare of working children in areas of high concentration of child labour.

e) National Nutrition Policy, 1993 The National Nutrition Policy, 1993 outlines the nutritional status of India and the importance of such a document. At the time in 1993 there were already if number of mechanisms in place to address the issue of mal-nutrition and undernutrition such as the Integrated Child Development Services (ICDS), Special Nutrition Programme. and Wheat Based Nutrition Programme etc. The policy outlines a few additional provisions to ensure proper nutrition of all populations.

f) National Health Policy, 2002 In 1983 the Government of India came out with a National Health Policy to govern the functioning of the public health sector. The results of the 1983 policy were mixed; while some initiative flourished others didn't yield results. In 2002, the Ministry of Health and Family Welfare introduced an updated health policy and outlined the achievements and drawbacks of the 1983 policy and drew up new plans for the sector. Some of the achievements of 1983 Policy were positive changes in the incidence of diseases like polio, malaria and leprosy, and decreases in the crude birth rate, crude death rate and also infant mortality rate. The health industry has benefited from improved infrastructure in the form of more beds, centres and health personnel. But this Policy does not address certain newer issues in health such as HIV/AIDS or lifestyle diseases such as diabetes, cancer and cardiovascular diseases. Another major concern the new policy needs to address is macro and micro nutrient deficiencies especially in women and children.⁹

The new policy begins with an outline of the health sector scenario in 2002. In an attempt to address inequalities of access to health services, the National Health Policy, 2002 proposes an increase in primary health expenditure in order to open more outlets. Programmes, that address children's need such as Reproductive and Child Health including the Universal Immunization Programme need to continue to action to achieve the desired goals. The Policy outlines the need to improve delivery of necessary drugs through increased central government funding. The Policy also outlines provisions of additional and supplementary training of health sector professionals. Accordingly the health departments of our states should include allopathic disciplines and doctors in their system especially to delivery basic and primary health services, in order to expand the number of professionals.¹⁰

g) National Charter for Children, 2003 The National Charter for Children, 2003 is a re-commitment document, It categorically intended to secure for every child the right to a healthy and happy childhood; to address the root causes that negate the healthy growth and

⁹ Asha Bajpai. Child Rights in India. Law Policy, and Practice. Oxford University Press, New Delhi, 2014, pp. 382

¹⁰ Id. at 383.

development of children; and to awaken the conscience of the community in the wider social context to protect children from all forms of abuse while Strengthening the family, society and the nation. It is a brief re-cap of issues children face and the duty the state has towards these children.

The Charter, in the preliminary part, recognises the right of every child to survival, life and liberty and need for the state to protect these rights. It discusses the need for proper health and nutrition facilities for children including mental health. It gives emphasis on the requirement of every child to Protection from abandonment and neglect, and the duty to assure minimum needs and security of children. This Charter also commits to the need for all children to get free primary education, early childhood care, play and leisure, physical exercise, cognitive development, etc. Further, it categorically intends that children should be protected from economic exploitation and against various other forms of abuse, and thus pleads for total ban of all forms of child labour, According to this Charter, the girl child needs special attention and assistance to ensure her survival and development. At the same time adolescents require the empowering to transition into responsible adult citizens. The Charter recognises the right of children to express themselves, to information and to assemble. It is also important for the state to strengthen families. All children have a right to a family and healthy relationship with adults who care for them. The charter outlines that both parents are responsible for the well-being of the child. As provided by this Charter, the State is required to pay special attention to the needs of marginalised groups of children such as SC‘ST children and the need to use child friendly methods in addressing all issues concerning children.

h) National Plan of Action for Children, 2005 The National Plan of Action for Children 2005 is by far the most comprehensive planning document concerning children. It was formulated with an aim of ensuring all rights to children up to the age of eighteen years. Its value is that it clearly outlines goals, objectives, and strategies to achieve the objectives outlined and therefore divided into four basic child right categories as per the United Nations Convention on the Rights of a Child: Child survival, Child development, Child protection and Child participation.¹⁴⁵ The guiding principles of the National Plan of Action for Children, 2005 are:

- a) To regard the child as an asset and a person with human rights;
- b) To address issues of discrimination based on gender, class, caste, race. religion, and legal status to ensure equality;
- c) To accord utmost priority to the most disadvantaged, poorest of the poor, and least-served child in all policy and programme interventions; and

- d) To recognise the diverse stages and settings of childhood and fulfill basic needs and rights.

CONCLUSION:

The Government of India provides financial assistance to the State Governments/Union Territories Administrations for establishment and maintenance of various homes, salary of staff, food, clothing etc. for children in need of care and protection and juveniles in conflict in law. Financial assistance is based on proposals submitted by States on a fifty-fifty cost sharing basis.

Thus we see that the existing governmental plans and policies for taking care of the problem of child welfare are in plenty but there is a lack of nexus between theory and practice. all plans and policies by and large tries to promote all round development of the children covering various dimensions like equalities, prevention of child labour, protecting children from various types of abuses and neglect, right to development, reduction of child mortality, proper nutrition, health policies, freedom from exploitation, rights of adolescents, rights of disabled children etc.

WHITE BLACK
LEGAL