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**Children's Rights: An Overview of The Children Acts****Dr. Bharat V. Patil**Matoshri Bayabai Shripatrao Kadam Kanya Mahavidyalaya,  
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**Abstract:**

*Child is the human assets of the any nation. Every nation attempts to develop the child from the point of view of physical, mental and educational to cope up with the competitive world. Liberalisation, privatisation and globalisation affected on the economic growth, job opportunities, imbalance in the living standard of the peoples, mobilisation of resources, environmental degradation and sustainable development. The whole world is concatenated on the economic growth. Following the development of economic growth, the health of children is not neglected. The investment made on children's health is long-term investment. Children rights should not be compromised. This paper reviews and reflects upon the literature in which children's rights, parents responsibility, social responsibility, nations contribution for the protecting the child rights and role of United Nations General Assembly. Child is like a growing plant and required utmost care to develop it. Environment factors effect on the overall development of children. In the study attempt was made to understand the factors influence the juvenile delinquency, legal approach to protecting the rights of the children, judicial contribution to conserve the child rights and attempted to suggest remedies for the protection of child rights.*

**Key words:** Child, children's rights and juvenile delinquency

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**1. Introduction**

In 1989 the General Assembly of the United Nations adopted the Convention on the Right of Child. Article 1 of the United Nations Convention on the Right of Child (UNCRC) defines a 'child' as a person below the age of eighteen, unless the laws of a particular country set the legal age for adulthood younger. The upper age limit on childhood is considered as an age of childhood rather than majority. India ratified the UNCRC on 11 December, 1992. Indian legislation has defined minimum ages under different laws for the protection of child rights. Under the various labour laws a person below the age of fourteen years prohibits to work. The Prohibition of Child Marriage Act, 2006 defines child as a male person who has not completed twenty-one years and female person eighteen years of age. In India minimum compulsory age of education is fourteen years. Consent in medical practice given by a person, u/s 87 to 90 of the Indian Penal Code (IPC) the age of consent for any procedure, in India, is twelve and not eighteen years. So a person above twelve years gives consent for routine and elective surgery concern to health. In the Juvenile Justice Act, 1986 the age of minor or child is sixteen years for male and eighteen years for female child. Under the Age of Majority Act, 1875, a person attains the age of majority after completion of eighteen years. Under The Hindu Minority and Wardenship Act, 1956, defines a minor as a person who has not completed age of eighteen years. In Muslim Christians, Parsis a person attains age of majority after completion of eighteen years. In short a child is defined as a person who is not an adult and who has not attained the age of 18 years. The court also considers the age of a person while punishing for any offence. The person who is a child cannot be convicted in the same manner as an adult person. If child concerned to the criminal liability, the accused child should not be tried under the ordinary laws applicable to the adults. Under the IPC Sec 82, a child who is under the age of seven years is exempted from criminal liability due to presumption of incapability of committing a crime. Section 83 of The IPC, explains that a child having the age between the seven to twelve years of age and committed into the criminal liability is treated as not attended sufficient maturity of understanding and consequences of the offences. Under this situation the

offender child is subjected to the provisions of Juvenile Justice Act, 2000 and reformatory approach is applied. The reformatory methods have proved useful in case of juvenile delinquents and given chance to improve to the child offenders. In India different laws describe various ages of the child. For rehabilitation of Juvenile in conflict with law (JCL) the State is required to establish observation homes and special homes in every district. Juvenile in conflict with law (JCL) cases can only be heard in the Juvenile Justice Boards (JJBs) and not by another court.

## **2. Research Methodology**

### **2.1 Significance of the study**

The study will help for the policy formulation concerned to child rights. The study also be useful to the Central, State governments and NGOs to solve the problems of child exploitation.

### **2.2 Rationale of the Study**

Childhood is God-given gift to a person. The protection of children's rights is not only confined with legal provisions. It is the duty of parents, society, legislature, judiciary and organizations working in the world. Proper attention is not given for the implementation of child policy and its causes to infringements of children's rights. Paper enlightens and guides for the protection of children's rights.

### **2.3 Objectives of the Study**

- 1) To understand the legislative measures for the protection of children's rights.
- 2) To suggest the remedial measures for infringement of children's rights.

### **2.4 Hypothesis**

- 1) Legislative measures and protection of children's rights is dependent.
- 2) United Nations Convention on the Right of Child and States law for the protection of children's rights are correlated.
- 3) The role of judiciary in protecting child rights and infringement of rights of child are independent.

## **2.5 Research Design**

### **2.5.1 Sources of Data**

Data collected through the use of primary and secondary methods.

#### **2.5.1.1 Primary Data**

Primary data became more useful and reliable for the drawing conclusions regarding the child rights. The following techniques of primary data collection were utilized for the valid information.

##### **i) Personal Interviews and Discussions**

Personal interviews arranged for the free and fair discussions. Discussions were made with employers, parents of child to understand the reasons behind the infringement of children rights.

##### **ii) Personal Visits**

Personal visits were arranged for the observations and investigations.

#### **2.5.1.2 Secondary Data**

The secondary data are collected through the printed and published facts. The following sources were most useful to the researcher to collect secondary data.

- 1) Published reports and survey concerned to the children's rights.
- 2) Published sources collected from sources such as books, periodicals and newspapers.
- 3) Research papers and thesis were referred.

### 2.5.2 Scope of the Study

The study is only related to the overview of legislature measures available for the protection of children's rights in India and world.

### 2.5.3 Expected contribution of the study

- 1) The study helps for strict implementation of child laws by administrative authority for the protection of child rights.
- 2) The study helps to solve the problem of infringement of child rights.

### 3. Results and Discussion

2014 Nobel Peace Prize awarded to Mr. Kailash Satyarthi and Ms. Malala Yousafzai for the valuable contribution given by them for protecting children's rights. In Indian Constitution several provisions are made for the protection of child rights. Article 15(3) of Indian Constitution permits the State to make special provisions for the protection of child rights. Article 21 A of the Constitution of India explain that the State shall provide free and compulsory education to all children belonging to age six to fourteen. Under the 86<sup>th</sup> amendment of constitutional in 2002 made compulsory right to education a fundamental right for children between the six to fourteen years. Article 23 prohibits the traffic in human being and forced labour. Article 24 concerns to forbid an employment of children below the age of fourteen years in factories, mines, and hazardous occupations. Article 39(f) explains the State responsibility to develop healthy environment of children and protect childhood and youth against exploitation. Article 47 guides to State to raise the level of nutrition and standard of living of child and Article 51(k) make the duty of parents or guardian to provide opportunities to their child/ward between the ages of six to fourteen years. Juvenile delinquency is increasing now days. In the case of Ryan International School, a sixteen-year-old boy killed a seven-year-old boy. The main reasons of juvenile delinquency are low awareness, psychological factors, social, culture, educational and economic conditions of offenders. At the school level teachers are required to arrange the moral value programmes. Suspicious behaviour of any students should require observing and appropriate actions must be taken in time by the school. Spread value education must be required considerable at school level. The role of the parent is more crucial in controlling the juvenile behaviour of the child. The sound family culture required to maintain. The influence of parents on child is stronger so parent's behaviour must be value based. The strong social values and culture promotes peaceful society and it guide to the young generation. Education is the key of well-being of the society. Promotion of free and compulsory education creates awareness among the child.

**In India** following are the legislative measures for the protection and safeguard of children's rights.

#### 1. The Right to Education Act, 2009

The Right to Education Act, 2009 prohibits physical punishment and mental harassment of child in the school and makes it a punishable offence.

#### 2. The Protection of Children from Sexual Offences Act, 2012

The main object of act is to strengthen the legal provisions for the protection of children from sexual abuse and exploitation.

**3.The Right of Children to Free and Compulsory Education Act, 2009**

The main purpose of the Act is to make provision of quality education for all children between the ages of 6-14 as per the constitutional fundamental right awarded to children in the 86th amendment.

**4.The Juvenile Justice Act in 1986**

In this Act a juvenile is defined as a person who has not completed his/her 18th year of age. This act protects not only the rights of children, but a person's rights when he/she was a child. The Act provides that in case a heinous crime has been committed by a person in the age group of 16-18 years it will be examined by the Juvenile Justice Board.

**5.The Bonded Labour System (Abolition) Act 1976**

The Act prohibits illegality of slave or bonded labour with reference to both adults and children. It also bans any person shall pursue or compel a person to enter into forced labour or a bonded labour system.

**6. The Factories Act, 1948**

The Act defines a child as a person who has completed him/her 15th year of age not engaged in hazardous work. Child not employed on dangerous machinery.

**7. Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994**

Any medical geneticist, gynecologist, registered medical practitioner who contravenes any of the provisions of this Act or rules made thereunder shall be punishable imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

**8. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995**

Children with disabilities should be provided free education by the appropriate government. The government is responsible for making the general environment non-discriminatory towards PWD.

**9.The Prohibition of Child Marriage Act, 2006**

The Prohibition of Child Marriage Act, 2006 defines child as a male person who has not completed twenty-one years and female person eighteen years of age.

**10.The Suppression of Immoral Traffic in Women and Girls Act, 1956**

Any person committing prostitution in public with a child shall be punishable to seven years in prison or a term which may extend to ten years and also a maximum fine of one lakh rupees.

**11.The Immoral Traffic (Prevention) Act, 1956**

Causes or induces a person to carry on prostitution shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years

**12. The National Food Security Act, 2013**

The Section 2(11) of the Act states that a meal means a hot-cooked meal or pre-cooked and heated meal or take home ration, as may be prescribed by the Central Government. Children aged six months to 14 years will get take-home rations or hot cooked food.

**The United Nations Convention on the Rights of the Child (UNCRC), 1989** is international agreement setting out the rights of every child, regardless of their race, religion. UNCRC outlines the fundamental human rights that should be applied to protection of children's rights.

**1. Right to Survival**

Right to Survival includes right to be born, right to minimum standards of food, shelter and clothing, right to live with dignity and right to health care, to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy

**2. Right to Protection**

It includes the right to be protected from all sorts of violence, right to be protected from neglect, right to be protected from physical and sexual abuse and right to be protected from dangerous drugs

**3. Right to Participation**

This includes right to freedom of opinion, right to freedom of expression, right to freedom of association, right to information and right to participate in any decision making that involves him/her directly or indirectly

**4. Right to Development**

Right to development includes right to education, right to learn, right to relax and play and right to all forms of development – emotional, mental and physical.

**4. Conclusions and Suggestions****4.1 Conclusions**

1. Definition of child is different in various child laws. It is concluded that a child or minor as a person who has not completed age of eighteen years.
2. There are different laws for the protection of children's rights but the rights of child are till infringement.
3. Legislative measures assist to develop the pressure for the protection of children's rights.
4. United Nations Convention on the Right of Child and States law for the protection of children's rights are correlated for the well-being of the Childs.
5. The main reasons of juvenile delinquency are low awareness of laws, psychological factors, social, culture, educational and economic conditions of offenders.
6. The sound family culture required to maintain in the society. The influence of parents on child is stronger so parent's behaviour must be value based.
7. Rape and sexual assault on female child is till today a serious matter and required counselling at mass level. Only fear of law and punishment is not sufficient for the protection of children's rights. The ability of the society to think about girls should also change.



#### 4.2 Suggestions

1. The poverty alleviation programmes should be implemented more efficiently throughout the county. The exploitation of poor girls will be restricted and someone cannot be abused by taking advantages of the girl's poverty.
2. The reformative methods have proved useful in case of juvenile delinquents and given chance to improve to the child offenders.
3. The programmes of generating awareness among parents about the free and compulsory education should be implemented all over India.
4. It is required to strict enforcement of labour legislation for the restricting child labour.
5. Child care and administration policy required to rethinking for strictly implication of the rights of child.
6. The government is responsible for developing unhealthy general environment such as permission to wine shops and bars to earn revenue. Due to drinking, there is a possibility of a lot of crime against child. To control the child crime, it is essential to ban on wine shops and bars.
7. More rigorous control is required on immoral trafficking of child for prostitution business. Prostitution helps to increase criminal activities. Police are requiring controlling immoral trafficking of child for prostitution.
8. To provide quick legal and medical help to the unjust child and rehabilitation as soon as possible by the administrative authority.
9. Parents should instil moral values in children and required to teach children the importance of respecting laws of society and the consequences of breaking laws.
10. Government and society are required to assist for curbing the racial or religious differences in the society.
11. Parents are required to be free with their child and spend quality time with children. Parent's value based culture influence the child to become a powerful citizen. Proper counselling of child to require by the parents.
12. Parent teacher partnership needs to be strengthening for observing and guiding to the child.
13. The role of society is very significant in the administration of the child rights. Aware and cautious citizen assist for the control of infringement of children's rights granted by the constitution.

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