

THE STUDY ON VULNERABLE SEGMENT OF SOCIETY "CHILD" – MAGNITUDE AND CHALLENGES

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ABSTRACT

Child rights assume great significance during a civilized society because children are citizenry who have rights to safety, security and opportunities for full development. Human resource is important part of any country and it can be developed by facilitating rights and opportunities which they deserve especially by strengthening the basic human rights. Unequal social, economic and power equations deeply influence children's access to their rights and their participation in the developing process.

Numerous conventions are in action to uplift the status of child; one of the highly appreciable convention is The United Nations Convention on the Rights of the Child (UNCRC) 1992 which aims to acknowledge the rights of youngsters and make sure that they get older within the spirit of peace, dignity, tolerance, freedom, equality and solidarity. India being the signatory of this convention globally recognized the significance of child rights. The Constitution of India also guarantees certain child rights covering basic issues, like 'health', 'education' and protection from 'hazardous employment' and 'Exploitation', so that child can get dignified childhood.

In spite of the existence of several provisions, the exposure of Indian children in different dimensions cannot be undermined. This paper attempts to locate the status of child in development ladder of Indian economy within the least level and shows how the disparity in

development indicators actually accelerates the character of exclusive development. The present paper will reflect over the pitfalls remaining in the system of India which could be the reasons for violation of basic rights of children.

Keywords: Child rights; Education; Convention; Development; Human Resource; UNCRC; Constitution of India; Health; Exploitation; Exclusive Development.

INTRODUCTION

Children and Childhood across the planet, have broadly been construed in terms of a 'golden age' that's synonymous with innocence, freedom, joy, play and therefore the like. It is the time when, spared the rigorous of adult life, one hardly shoulders any kind of responsibility or obligations. But, then, it's also true that children are vulnerable, especially when very young. The fact that children are vulnerable, they have to be cared for and guarded from 'the harshness of the planet outside' and around.ⁱ Accordingly, idealistic notions and representations related to children and childhood are challenged, especially in reference to poverty, disease, exploitation and abuse rife across the world. It is indeed a period during a person's life during which she/he is neither expected nor allowed to completely participate in various domains of social life. Almost one-third of the planet population consists of youngsters. Therefore, they need to be cared and protected. Children are important component in social organization and potential future carries to the culture.ⁱⁱ

Childhood is a crucial stage of human development because it holds the potential to the longer term of any society. Children who are mentioned in an environment which is useful to their intellectual, physical and social development will continue to be responsible and productive a part of the society. Thus, every society links its future to this status of its children. Generally, it's said that thanks to economic problems children are forced to forego educational and other development opportunities and take up jobs which mostly exploit them as they are usually underpaid and engaged in hazardous conditions. Parents send their child for employment as a

means thanks to poor economic conditions.ⁱⁱⁱ It is therefore no wonder that the poor households represent the largest segment contributor of child labor.

Children are denied their rights at the expense of education, health, protection and dignified childhood. There is a strong effect of various forms abuse on child's psychology which traumatizes them throughout their life, thus, it is of paramount importance to protect child's rights and provide them safe, secure and dignified childhood.

WHO IS CHILD AND HIS SITUATION?

The laws of our country make provisions for child in several aspects. it's vital to define a 'child' in order that the laws are often made applicable to those who are available the category of 'child'. But there's not one definition of kid which is valid for all the Acts.^{iv}

- According to The Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 2(d) of The Protection of Children from Sexual Offences Act, 2012, "child means a person who has not completed eighteen years of age."
- Section 2(ii) of The Child Labor (Protection and Regulation) Act, 1986 and also the Section 2(b) of The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 states that "a person who has not completed his fourteenth year of age is known as child".
- Section 2(c) of The Plantations Labor Act, 1951 and The Motor Transport Workers Act, 1961 which aims at regulation of conditions of work of motor transport workers states that, "a person who has not completed his fifteenth year of age is known as child."
- According to The Prohibitions of Child Marriage Act, 2006, "child means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age."

In International Law:

- *Article 1 of the Convention on Rights of the Child 1989, states that - “child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”*

Every law is formed with different objectives and therefore, in order to solve the purpose of their establishment, ‘child’ has been defined differently. ^v

India’s growth over the last 20 years has contributed phenomenally to global human development. Extreme poverty in India reduced to 21 per cent, infant deathrate has quite halved, some 80 per cent of girls now deliver during a clinic and two million fewer children are out-of-school. These are significant achievements for a rustic that's home to just about a sixth of the world’s population. But challenges still remain and India’s economic successes haven't resulted in improved quality of life for everybody everywhere, especially women and youngsters. Children from rural areas, slums and concrete poor families, scheduled castes, tribal communities and other disadvantaged populations suffer from multiple deprivations associated with poverty, malnutrition, access to quality health services, child marriage, poor school attendance, low learning outcomes, lack of sanitation facilities, hygiene, and access to improved water. ^{vi}

The children in India belong to different categories and backgrounds. Their situations and living conditions primarily depend on the household during which they're born. Children belonging to poverty stricken, deprived, marginalized and socio-economically backward sections of the society, experience scarcity of resources, therefore, their families are usually unable to meet their requirements. The families within rural communities, who are residing in the conditions of poverty and backwardness in some cases, get their children involved in hazardous occupations, which may include agriculture, plantations, mines, industries, factories and so forth. In this way, they're bereft of the acquisition of education and various childhood activities and their main purpose is to contribute towards family income. Children living in rural areas often have limited access to fundamental needs like nutrition, access to healthcare, education and protection. ^{vii}

CHILD RIGHTS IN INDIA

The Indian constitution accords rights to children as citizens of the country, and in keeping with their special status the State has even enacted special laws. The Constitution, promulgated in 1950, encompasses most rights included in the UN Convention on the Rights of the Child as Fundamental Rights and Directive Principles of State Policy. Over the years, many individuals and public interest groups have approached the apex court for restitution of fundamental rights, including child rights.^{viii}

The constitution lays down the principles that the government must follow to guard people from unjust action by the government. These are rights that the government cannot deduct. Children have all rights as equal citizens of India, even as the other man or female. The Constitution of India also provided specific articles for children.^{ix}

The rights which are specially guaranteed to children under Constitution of India are: -

Article 14^x

No person shall be deprived of his life or liberty except according to procedure established by law, nor shall any person be denied equality before the law or the equal protection of the law within the territory of India. Therefore, according to this article everybody including children should not be deprived of equal opportunity, protection and status.

Article 15(3)^{xi}

Nothing in this article shall prevent the State from making any special provision for women and children. Thus, it states that, even though state will not discriminate, they can make necessary provisions for women and children to protect their interest.

Article 21^{xii}

No person shall be deprived of his life or personal liberty except according to procedure established by law. Thus, it covers all sections of society including women and children and right to life under this article involve right to live with human dignity which is also available to children.

Article 21A

The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.^{xiii} Thus, it is the duty of state to provide education to all children of the age of six to fourteen years.

Article 24

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.^{xiv} Therefore, this article strictly prohibits employment of children below the age of fourteen years to do work in hazardous environment as working there is violation of child's fundamental and human rights.

Article 39 (e) and (f)^{xv}

This article clearly provides specific policies to be followed by state for the protection of the children. It states that the health and strength of workers and the tender age of children are not abused and they should not be forced to enter into the work which is unsuitable for their age or strength. Also, it specifies state that children are given opportunities and facilities to develop in healthy way and they should not be exploited, abused or abandoned.^{xvi}

Article 45^{xvii}

This article clearly instructs the state to provide education to all children below the age of fourteen years within the period of ten years from the commencement of the Constitution, as education is the basis of the development of the child.

Apart from the Constitution there are a number of legislations which deals with children. They are:

➤ **The Guardian and Wards Act 1890**

This Act deals with the qualifications, appointment & removal of guardians of children by the courts & is applicable to all children irrespective of their religion.

➤ **The Child Marriage Restraint Act 1929**

This Act as amended in 1979 restrains the solemnization of child marriages by laying down the minimum age for both boys & girls. This law is applicable to all communities irrespective of their religion.

➤ **The Child Labor (Prohibition and Regulation) Act 1986**

This Act prohibits the engagement of children in certain employment & regulates the conditions of work of children in certain other employment.

➤ **The Juvenile Justice (Care and Protection of Children) Act 2000**

This Act deals with the law relating to juveniles in conflict with law & children in need of care & protection, by providing for proper care, protection & treatment by catering to their development needs & by adopting a child-friendly approach in the adjudication & disposition of matters in the best interest of children & for their ultimate rehabilitation through various institutions established under the Act.^{xviii}

➤ **Protection of Children from Sexual Offences**

To protect children from sexual abuse, sexual exploitation, sexual harassment, sexual assault and pornography; the Ministry of Women and Child Development introduced the Protection of Children from Sexual Offences (POCSO) Act, 2012. This act provides the unambiguous and strict legal provisions for heinous crime of sexual abuse.

In 2019, this act was amended and provisions for various punishments was increased to deter the offenders and to ensure the safe and dignified childhood as healthy, social, peaceful, emotional and intellectual development of child is of paramount importance.

There are some beneficiary schemes and policies which are incorporated for the benefit of the child & to provide them opportunities which they deserve; they are: SARVA Shiksha Abhiyan, Samagra Shiksha, Mid-day Meal, Right to Education, New Education Policy, National Child Labor Project Scheme and many more.

Most successful policies were, Sarva Shiksha Abhiyan, which was launched in 2001, with the aim to achieve the goal of universalisation of elementary education in the country. Its centre of

attraction was to provide compulsory basic education to children between the age group of 6 to 14 years. The SSA made endeavour to enhance the quality of education and to bridge the gap of gender and social imbalance in getting basic education. Also, to increase the admission and attendance of child and concurrently raising the level of nutrition among the children Mid-Day Meal Scheme was introduced by government. Its main objective is to reduce classroom-hunger, improve the nutritional level of children, and motivate the children belonging to underprivileged segment of society to join classroom and school activities regularly and with concentration.^{xix}

FACTORS AFFECTING CHILD RIGHTS

Children are future citizens of the Nation and their adequate development is utmost priority of the country. Despite the existence of many child-rights protecting measures, the vulnerability of Indian children in different dimensions cannot be undermined. Globalization and liberalization have speeded up the development pace but at the same time this section remains almost within exclusion group. Not only the children from the downtrodden or marginal sections were deprived the fruits of success, the violations of Child Rights have been prominent in middle class and elite class too. Factors affecting child rights are as follows:^{xx}

- ***Child Marriage:***^{xxi}

According to Constitution of India the legal age of marriage for girls is 18 years and for boys is 21 years. Any marriage which is solemnized before this age is considered as child marriage. It affects both girls and boys and becomes hindrance in achieving desired rights specially their right to get educated. Because of early marriage child loses his childhood and it negatively affects them. Children who are married earlier lack the knowledge, ability, various accomplishments job probability which is needed to uplift their life and raise their families out of poverty and contribute in nation's social and economic growth.

- ***Child Labor:***^{xxii}

It is dismayed to see a child doing hard labor work at very tender age. Child Labor only extends poverty, unemployment, illiteracy and many other social problems. International Labor Organization defined child labor because the work that deprives children of their childhood, their potential and their dignity, which is harmful to their physical and mental development. Child Labor takes away the kids' opportunity of having a normal childhood, a proper education and physical and mental well-being. Poverty and unemployment are the major reason behind the practice of child labor. Children from the poverty-stricken families are tend to work at an early age so that they can support their families and earn enough money for survival. Furthermore, people who do not have access to education eventually situate their children to work.

- ***Child Trafficking:***^{xxiii}

Child trafficking is to hunt a toddler for exploitation. Thousands of youngsters are trafficked per annum from rural, tribal also as urban areas in India. Victims are bought and sold like commodities. Innocent children are exposed to the vulnerable conditions, violence and sexual assault. Children have less understanding of right and wrong and that they are less capable to speak their condition thus becomes a simple target for traffickers. These children experience adverse physical, mental, social and emotional effects. Child trafficking victims are subjected to anxiety, trauma, depression, and other psychiatric disorders. Some victims even develop drug and alcohol addictions. The push factors of kid trafficking could also be unmated family needs, poverty, and unemployment. it's the infringement of their rights and freedom, also child loses their childhood due to these evil practices of kid trafficking.

- ***Child Abuse:***^{xxiv}

Children are soft-hearted, are full of innocence and are free from all the evils of world as a result of which even a little rudeness leaves a permanent imprint on them. However, people without understanding the significance of childhood, abuse them to such a level that their future is ruined forever. Child abuse is a crime which is committed by those people who are frustrated by their own lives. In maximum cases a girl child is found

raped, some children are beaten up by their parents and at times school teachers. These evil practices are the direct violations of child's fundamental and human rights.

- ***Lack of Health-Care facilities:***^{xxv}

"Health is Wealth" is an age old saying which provides large aiming to our life, as health is taken into account the foremost valuable and precious for each individual. Good health means not only the absence of disease within the body but an entire physical, mental, social also as spiritual well-being of a private .. Children add up to most neglected part of society having been denied access to healthcare facilities they are totally dependent on elders for their needs and requirements. Children who are engaged in child labor activities are mostly deprived of their right to health as they are involved in various harmful and dangerous activities.

- ***Lack of Education facility:***^{xxvi}

" Education is the most powerful weapon which one can use to change the world".

- Nelson Mandela

But many children still don't have access to education due to various reasons such as poverty; refuse to recognize importance of education, lack of education facilities, discrimination, insufficient learning material and many more. The outcomes are serious as children around the globe are unable to reach the proficiency in reading and learning. Also, this factor is directly infringing children's right to education and basic human right. Education is the only way through which a child can be socially and politically active and be able to contribute in nation's growth. Education in an important factor which can bring positive changes in society and helps in development of country.

INTERNATIONAL CONVENTION FOR PROTECTION OF CHILD'S RIGHTS

Children are our greatest treasure. They are our future. It therefore becomes mandatory for each nation and each society to nurture a robust, healthy and intellectual childhood. Development

and upliftment of youngsters is a crucial step, especially for poor and low-income children. Investing in them in their early years will provide a foundation for future success with lifelong benefits for them, and economic and social benefits for entire nation.

There are various conventions made for the protection of child and their rights: -

1) United nation convention on the rights of the Child (UNCRC)^{xxvii}

UNCRC was adopted by the united nation in November, 1989; 196 countries have signed up to the UNCRC. In the history of human rights, the rights of youngsters are the foremost ratified. The United Nations Convention on the Rights of the kid (UNCRC) defines Child Rights because the minimum entitlements and freedoms that ought to be afforded to each citizen below the age of 18 no matter race, national origin, color, gender, language, religion, opinions, origin, wealth, birth status, disability, or other characteristics.

These rights encompass freedom of youngsters and their civil rights, family environment, necessary healthcare and welfare, education, leisure and cultural activities and special protection measures. The UNCRC outlines the elemental human rights that ought to be afforded to children in four broad classifications that suitably cover all civil, political, social, economic and cultural rights of every child.

- The UNCRC consists of 54 articles that set out children's right and how government should work together to make them available for all children. Everybody has basic fundamental rights. These include the right to:-(i) Life, survival and development (ii)Protection from violence, neglect and abuse (iii)Right to education (iv)Be raised by, and have a relationship with their parents (v)Express their opinion and be listened too.

- In UNCRC there are three optional protocols to the convention relating to the rights of the child. These protocols are: -

- Involvement of children in armed conflicts: - This protocol was adopted on May 25, 2000. This protocol prohibits the recruitment of children in armed forces. It is the responsibility of the state and public to forbid children under the age of 18 years for not going in armed wars. This protocol prevents children from armed forces because

children's have neither maturity, nor the necessary physical and mental development for understand the problems facing in armed forces. According to the protocol, a child-solider can be a sexual or domestic slave, a cook, a minor or mines remover; recruited by force or voluntarily.

- Concerning the sale of children: - The prostitution of children and pornography involving children: - This protocol was adopted on May 25, 2000 but it enforces in January 18, 2002. This protocol prohibits involvement of children in prostitution and pornography. These activities are punishable for violation of children's rights and as criminal acts. In this protocol government plays an important role for protection of children's by making strict laws against these acts and by punishing those criminals who commits such type of acts and violates children's rights.
- Communications procedure: - This protocol was adopted on November 19, 2011 but it enforces in May 28, 2012. This protocol allows every child to file individual petitions with the committee on the rights of the child. This new protocol will re-enforce these pre-existing methods: -

If a toddler believes their fundamental rights were violated, they will file a complaint to the Committee. The complaint must meet the following conditions:

- The child or their representatives must have already filed a complaint before a national court. If the complaint wasn't successful, the kid can then address the Committee;
- The complaint must be filed before the Committee the year following the end of the procedure before the national court;
- The complaint must not be anonymous, or unfounded, and should not constitute an abuse of rights;
- The complaint must be written.

2) *United Nations International Children's Emergency Fund (UNICEF)*^{xxviii}

UNICEF was created in 1946 to supply relief to children in countries. This is the special program of United Nations dedicated to aiding national efforts to enhance the health, nutrition, education and general welfare of the youngsters. UNICEF protects rights of the children; it helps child to meet their basic needs and expand their opportunities to reach their full potential. It provides special protection for the foremost disadvantaged children – victims of war, disasters, extreme poverty, all sorts of violence and exploitation and people with disabilities. UNICEF responds in emergencies to guard the rights of youngsters. UNICEF helps in makes strong laws and policies and improves understanding of the convention at all level of society, including: - (i) supporting government to implement the conditions through laws and policies which includes institutional and professional capacity development, (ii) Participating in different stages of the monitoring process, (iii) Supporting the committee on the rights of the child.

The main focusing areas of UNICEF are: -

- (i) Child Development and Nutrition,
- (ii) Child Protection,
- (iii) Education, Child Environment,
- (iv) Polio Eradication,
- (v) Reproductive and Child Health,
- (vi) Children and AIDS,
- (vii) Social Policy, Planning, Monitoring and Evaluation,
- (viii) Advocacy and Partnership,
- (ix) Behavior Change Communication

(x) Emergency Preparedness and Response.

3) Declaration of Geneva, 1924^{xxix}

Geneva declaration was adopted in 26 September, 1924 by League of Nations (LON). This declaration stated that humanity “owes to the Child the best that it's to offer”. It was the first international instrument explicitly acknowledging children’s rights.

As with the Convention on the Rights of the Child, NGOs (such as Save the Children Fund and International Council of Women) played an important role in the drafting of the Geneva Declaration.

The following is taken from the UN documents: -

By this Declaration of the Rights of the kid, commonly referred to as "Declaration of Geneva," men and ladies of all nations, recognizing that mankind owes to the kid the best that it has to give, declare and accept it as their duty that, beyond and in particular considerations of race, nationality or creed:

- The child must be given the means requisite for its normal development, both materially and spiritually;
- The child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and therefore, the orphan and the waif must be sheltered and succoured;
- The child must be the first to receive relief in times of distress;
- The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation;
- The child must be brought up in the consciousness that its talents must be devoted to the service of fellow men.

4) Declaration of the rights of the child^{xxx}

It was adopted on 20 November 1959 by the united nation general assembly and it was also adopted by the all 78 member states of the united nation general assembly in resolution 1386. The preamble of declaration of the rights of the child highlights children basic need for care and protection which includes, “appropriate legal protection, before as well as after birth”.

The 10 principles of declaration of the rights of the Childs are: -

- (i) The right to equality, without any discrimination on account of race, caste, sex and religion.
- (ii) The right to special protection, for their physical, mental, moral, spiritual and social development.
- (iii) The right to name and a nationality
- (iv) The right to adequate nutrition, housing and medical services.
- (v) The right to special education and treatment, for those children who are physically, mentally or socially handicapped.
- (vi) The right to understanding, love by parents and by society.
- (vii) The right to recreational activities and free education.
- (viii) The right to be among the first to receive protection and relief.
- (ix) The right to protection from all form of exploitation, neglect and cruelty.
- (x) The child shall be shielded from practices which can foster racial, religious and the other sort of discrimination.

ROLE OF NGO

Non-Governmental organization, popularly known as NGO. NGOs are bodies which function freely from the control of government. These are bodies which work for betterment of society; these are non-profit-making organizations for which they are also called non-profit organization (NPO). The main principle of these organizations is “no profit no loss” and they work according to their principals. When some issues are not solved by government and when government does not pay attention on any cases in that case NGOs play an important role for solving those cases. They are also known as the third sector of the society, besides state and market.^{xxx1}

In today's time there are many NGOs who focus on to promote the interests of the poor, to protect the environment or to undertake community development. Some main characteristics of NGOs, these are: -

1. They are non-profit organization
2. They work for public interest
3. Independence from governments^{xxxii}

There are some NGOs who mainly focus on child and fight for their protection and rights. There are two main aspects of child's life which need more concern are, their rights and their protection: -

Child rights: - Child Rights are those human rights which are very essential for development of a child. Children must be treated with equality, dignity and respect because they are also human beings. The Constitution of India provides some rights to child they are, the Right to an Identity [Article 7&8], Right to Education [Article 21(a), 41 & 51A (k)], Right to Equality [Article 15], Right to be Protected from Exploitation [Article 23&24] etc. are some rights enjoyed by children.

Child's protection: - Child protection means preventing children from exploitation, violence, neglect and abuse. Right of protection is a right of every child this is clearly stated by United

Nations Convention on the Rights of the Child, 1989. After that, many notable initiatives are taken by Government of India for the protection of child.^{xxxiii}

ROLE OF NGO'S IN BETTERMENT OF CHILD

1. Eliminating child labor:

Around 10 million of children work 14-16 hour shifts in different industry. NGOs work with trade organization to educate businesses about the evils of child labor. Locals in villages and cities are also instructed to report child labor at businesses. Reducing its demand is one of the most effective ways of ending child trafficking and labor.

NGOs fight for stronger anti-child labor laws through providing compelling evidence that forms the basis of legislation. Child Labor Prohibition and Regulation Act which was build-up with the NGO's intervention is one of the victories of legislation in child development.

2. Education and enrolment

Despite having the world's largest education system, India faces low literacy due to low enrolment, and high dropout rates. NGO works as follows to acknowledge importance of education:

- i. Promoting the importance of child education in 'safe schools' that do not discriminate on gender, caste or socio-economic background.
- ii. Introduction of 'Inclusive Learner Friendly Environments' (for children aged 3-18 years) across slums and villages.
- iii. Supporting and Promoting the Right to Free and Compulsory Education Act 2009.
- iv. Conversation with families to send their children to school.
- v. Creation of fun and meaningful experiences in school, with child-friendly and interactive teaching-learning methods.
- vi. Create funding for libraries, computers & sports equipment.
- vi. Bringing out-of-school children back to the classroom.
- vii. Bringing street children and child laborers back to school.

3.Rehabilitation and relief

NGO reduces new born and child death through awareness campaigns on nutrition and essential healthcare. The NGO works closely with Integrated Child Development Services Scheme, Department of Health and Family Welfare and Panchayat Raj Institutions, creating an ecosystem of infant health and survival.^{xxxiv}

In India's most backwards and marginalized communities, the NGO does the following:

1. Community Healthcare Workers (CHW) are trained to provide immediate health care to mothers, new-borns and pregnant women.
2. Better implementation of policies is maintained.
3. Supporting India's public health and access to nutrition.
4. Educating communities about natal check-ups, hospital deliveries, breastfeeding, and access to nutrition and medicine.
7. Cooking demonstrations, setting up health camps and providing nutrition rehab to malnourished children
8. Providing medical assistance in disaster hit regions.^{xxxv}

Marked NGO'S who works for the welfare and development of the child: -

- **Child line India:** -Child Line India foundation is one of the most prominent NGO and this NGO came in existence on June, 1996. Main focus of this NGO is on safety and security of child. Child line 1098 is a phone number that gives hope to millions of children across India. It is a free, emergency phone service for children in need of aid and assistant. Child line protects children from abuse, trafficking, child marriage and child labor. They are also providing experts advice to parents of children related to their child's health and nutrition problems.^{xxxvi}
- **Smile foundation:** - Smile foundation is an NGO who works for poor child's education. This NGO has been doing exceptional work for the past 13 years by providing healthcare and education to underprivileged children. This NGO works on focused welfare projects in four major areas :-(i) education for poor children, (ii) health care for families, (iii) skill training and livelihood for youth, (iv) community engagement through women empowerment. Smile foundation

provides quality education to poor children's, so that they can ace in the field they want to and earn for their livelihood and for their families. This NGO mainly focuses on child's education.^{xxxvii}

- **CRY:-**CRY stands for "Child Rights and You". CRY is the India's most acknowledged NGO, working from last 40 years for creating happier and healthier childhood. CRY mainly focuses on the four rights of the children:-(i) right to survival-to health, nutrition and name, (ii) right to development-to education, care and recreation, (iii) right to protection-from exploitation, abuse and neglect, (iv)right to participation-to expression, information and thought. Cry works to ensure that these four rights are equally given to all underprivileged children's including, street children's, girl's children, children bonded in labor, children of commercial sex workers and physically and mentally challenged children.^{xxxviii}
- **NanhiKali:** - Nanhikali is the NGO who mainly works for underprivileged girl children. Girls are always facing many problems like child marriage, gender discrimination, violence and access to education. Our society never gave importance to girl's education and situation remained same till date. This NGO helps poor girls by providing them access to education so that they can fulfil their dreams and needs.^{xxxix}

CASE STUDY

- *Laxmikant Pandey vs. Union of India*^{xl}

This case speaks about Inter-Country Adoption. A letter was written by Laxmikant Pandey to the Supreme Court regarding neglect and malpractice in adoption of Indian children to foreign parents which was done by social organizations and adoption agencies. In that letter he mentioned the long and toxic journey these children made to the country and the incidences of

neglect they had to go through because of their adopted parents. The Hon'ble Supreme Court of India laid down few doctrines governing the rules for Inter-Country adoption, court also added that the international adoptions would follow the regulations of "guardians and wards act, 1890" and court made compulsory that foreigner who wish to adopt Indian children who should be sponsored by licensed agencies of their own country.

- ***Sheila Barse vs. Union of India*** ^{xli}

This case discusses trafficking of children. On 12th July, 1986 Apex Court issued various directions in regard to the physically and mentally retarded children as also abandoned or destitute children who are lodged in various jails in the country for 'safe custody'. Giving further directions, utmost time allowed for investigation of a child-accused of a offence punishable with imprisonment of not more than 7 years is time period of 3 months from the date of filing the complaint or FIR and also the time period of 6 months is allowed from the date of filing of charge-sheet as a rational period in which the trial of the child must be completed. The charges of prosecution will be rescinding. Every State Government shall give effect to this proposition so far as future cases are concerned.

- ***M.C. Mehta vs. State of Tamil Nadu*** ^{xlii}

Under this case issue of child labor was discussed. M.C. Mehta was an individual, who concerned about high rate of employment of children in the match factories. He contended that such employments are hazardous and unconstitutional and thus filed writ petition under Article 32 of the Constitution, seeking educational, mental and health facilities for the children. It was held by the court that Article 24, 39(e) & (f), 41 and 47 bound the state to abolish child labor. Under Article 32 the Government of India is required to take legislative, administrative, social and educational measures to ensure protection of the child from hazardous exploitation and its healthy development.

- ***Vishal Jeet vs. Union of India***^{xliii}

It discussed problem of child prostitution. Under article 32 of the constitution of India, an advocate file a writ petition by way of a public interest litigation for seeking focuses on red light areas and forced prostitution from a law enforcement perspective, to rescue victims of commercial sexual exploitation and provide them with proper medical aid, shelter, education and training in various disciplines of life so as to enable them to choose a more dignified way of life; the Apex Court issued the following directions inter alia to the State Governments and Union Territories:

1. Direct concerned law enforcing authorities to take appropriate and speedy action under the existing laws in eradicating child prostitution.
2. Take steps in providing adequate and rehabilitative homes.
3. Set up separate Advisory Committee consisting of relevant government officials, sociologists, criminologists, members of the women/ child welfare/ voluntary social organizations to make suggestions for eradicating child prostitution and the devdasi and jogin tradition; and measures for care, protection, treatment, development and rehabilitation of victims.

- ***J.P. Unni Krishnan vs. State of Andhra Pradesh***^{xliv}

This case discusses the matter regarding education of child. In this case, petition was filed by the private educational institutions to challenge the state laws which were enacted to regulate the capitation fee charges in the states. It is held by the Apex Court that basic right to education is implicit in Article 21 (Right to Life) when read in juxtaposition with Article 41 (Directive Principle on Education). The court also upheld that right to education must be understood in the purview of Article 45 which says that it is the duty of the State to provide all children up to the age of 6 years, early childhood care and basic education.

- *Bandhua Mukti Morcha vs. Union of India & Ors.*^{xlv}

A Public Interest Litigation was filed before Supreme Court of India via Article 32 of Indian Constitution to direct State of Uttar Pradesh to initiate steps to end the child labor. A committee was appointed by Honorable Apex Court to scrutinize the matter and it was reported that there was huge number of children working in UP's carpet industry and children were mainly kidnapped from Bihar, also the industry has employed large number of children who are under 14 years of age; it was also reported that children encounter various forms of child abuse. It was also upheld by The Apex Court that welfare of child is of paramount importance and thus, state should take expedient steps to develop and promote schemes and policies made for the growth of the child.

CRITICAL ANALYSIS OF ALL FACET OF IMPLEMENTATION OF CHILD RIGHTS

Poverty, lack of necessities, scarcity of resources is prime provocation for all difficulties of life and its consequences are experienced by vulnerable segment of society, i.e., the Child. All these factors pull them to experience the uneven situation of life at very early age. They are deprived of rights which are specifically made for them and the reason being children are not well informed about their rights. The only way through which they can be vigilant about their rights is education but they lack schooling due to number of immoral activities such as: child labor, child trafficking, child abuse, early marriage, domestic violence & many more.

The legislative body of the country has made numerous laws and incorporated several schemes & policies for the welfare of children, so they can get access to facilities they are entitled to, as apt development & growth of child contributes in success of nation. Also, the Honorable Supreme Court in its various judgments made commendable directions and recommendations to uphold the dignity & basic rights of children.

However, major part of Indian Children is still scuffling to live on and reason being ineffectiveness in implementing and monitoring laws and policies. There are plethora of laws,

policies and schemes for children but improper execution and poor governance is the biggest hurdle in the development of child. Laws made for the protection of child rights only remains on paper, their actual physical execution is still a dream. Legal reforms alone cannot provide justice to child; parents and society equally share the responsibility in ensuring that rights of children should be respected. It is their duty to make sure that children's right to health, education, development, security are protected. All these are crucial factors which hinder child rights and make them deprive their rights.

CONCLUSION

A child is a crucial resource of a nation and has an important role in the growth of the nation. They are most vulnerable segment of the society and depend directly on elders for their overall development, so it become duty to look after their rights but rather children's rights are highly neglected. The prosperity of a country majorly depends upon how its children are being nurtured and thus it is of utmost importance to secure their rights. Making numerous legislation and schemes won't help in upgrading the situation of children unless strict follow-up is done. Regular tracking and monitoring of implementation of laws and policies is necessary to govern the actual progress of the legislation. Confronting various forms of abuse hampers child psychology; thus, make them physically and mentally ill; hence it is of paramount importance to treat child with courtesy and kindness. The immoral factors like child abuse, trafficking, marriage etc. deprives them from dignified childhood.

Merely ratifying the convention won't provide justice to child; it is mandatory that legislation should work in a linkage with the context of Child Right Convention and its standards should be matched. Besides, awareness among general public is also necessary because stiff mentality regarding discrimination on the basis of caste, race, ethnicity, religion, socio-economic background is a biggest obstacle in the all-over development of nation. Awareness regarding numerous laws and schemes is an effective preventive measure so that infringement of rights cannot be done.

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