



## Children's Rights in India at a Glance

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### Abstract:

*Child development is very important matter for any country. Child development is only possible in the positive, supportive and healthy environment. So it is responsibility of any Government to provide such a required environment. Rights plays vital role in the development of child. All the rights must be given to the Children in theory and practice. Government has to make such programmes and policies for the children. All programmes, policies, schemes, laws, act regarding children must be implemented properly. In Indian Constitution fundamental rights are provided to all children but major problem is that these fundamental rights are not properly implemented in practice.*

**Keywords:** *Child Development, Children, Children's Rights*

### 1. Introduction

Children are an asset for any country. Today's children are the fortune of tomorrow. Laski has rightly said "Rights, in fact, are those conditions of social life without which no man can seek, in general, to be himself at his best."<sup>1</sup> So we can say that positive environment must be provided to nurture human rights. Children must have right to grow up in peaceful, harmonious and healthy environment. The Constitution of India guarantees Fundamental Rights (Article 12 to 35) to all children in the country. The Constitution of India enshrines some special provisions for childrens' rights.<sup>2</sup>

**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.,

**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.

**Article 39.** The State shall, in particular, direct its policy towards securing;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) 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 exploitation and against moral and material abandonment.

**Article 45.** Provision for early childhood care and education to children below the age of six years.— The State shall Endeavour to provide early childhood care and education for all children until they complete the age of six years.

Though Indian children have enough rights and safeguards for their healthy development, burning problems and great challenges are that all the children's rights and safe guards are still remained as theoretical portion. Despite Constitutional guarantees of Fundamental rights, Acts, Resolutions,

National Policies, a large number of children are facing wide-spread deprivation and discrimination in India. Even the basic needs of children have not been fulfilled yet. Poor, working and marginalized children are still remained deprived of tasting the fruits of economic development in India. Questions arise in our mind Political democracy has been set up in India. But what about Economic and Social Democracy? India has made significant progress in economic development. But what about human development?

Children from weaker section of the society look at state for their empowerment in India. What about them as far as Economic liberalization is concerned? Basic needs nutrition food, pure drinkable water, shelter, primary health, primary education have not been fulfilled yet. As per U.N.D.P. Report 2014 India ranked at 135 in H.D.I. UNICEF says “Children have the right to a caring, protective environment and to nutritious food and basic health care to protect them from illness and promote growth and development.” Every day, many children go to bed hungry in India..!

Indian children are facing nutritional problem in India. Anemia has become major serious problem in our country. Children have right to life but reality is that more than half of all child deaths are due to malnutrition. It is a matter of survival for children. They are not getting required quality and sufficient quantity of food which is necessary for better health of children. As we all know Right to life that means Right to better life...! Despite Right to nutrition and standard of living and improved public health is given in article 47 of the Indian Constitution, India is facing malnutrition problem after 67 years of independence.

As per article 21-A Children (6-14 years) have right to education. Right of Children to Free and Compulsory Education (RTE) Act, 2009 has been made. But what about violation of section 12 of the Act. Many schools are not implementing this act. Is it not violation of R.T.E.? “The Gujarat High Court today said that private schools in the city would be liable for "criminal action" if they violated the Right of Children to Free and Compulsory Education (RTE) Act, 2009.”If any (private) schools have admitted other students in violation of the provisions of the Act, they are liable for criminal action as they cannot violate the fundamental rights of children by stating that no children were available or no list was sent by the government or no children had applied for (admission)," said the division bench of acting Chief Justice V.M. Sahai and Justice R.P. Dholaria.”\*<sup>3</sup>

RTE Act, 2009 prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition. Many schools are collecting higher donations, fees etc. Physical punishment and mental harassment in school and private tuition have become head ache problem in Indian society. Can't we stop violation of RTE? Is it not a moral duty of all citizens of India?

In India children have right against any form of exploitation. But it is a matter of deeply grief to say that India has the highest child laborers in the world. The National Sample Survey report, January 2014, “Employment and Unemployment Situation in India, 2011-12” reveals the reality of the position and status of children in India. So far as Formulation, Implementation and Enforcement of Laws, Policies, and Projects are concerned much has remained to be done in this direction.

**Enforcement Figures on Child Labour (Prohibition & Regulation)  
Act, 1986 for the last five years\***

Year	Inspections	Violations	Prosecutions	Convictions
2009	328077	8709	5633	1489
2010	255176	11182	4570	1536
2011	150771	14411	6011	976
2012	164453	12019	5018	1144
2013	174994	8859	3486	1041
<b>Total</b>	<b>1073471</b>	<b>55180</b>	<b>24718</b>	<b>6186</b>

Source:

*<http://labour.nic.in/content/division/directions-of-supreme-court.php,23-03-2015>. Data suggests that all children are not living in exploitation free community in India. Despite right against exploitation ,many children are exploiting in India.*

**Reference:**

1. Laski, Harold A Grammar of Politics, Pp.91.
2. The Constitution of India (4<sup>th</sup> Edition) ,Ministry of Law & Justice, Government of India,2011
3. The National Sample Survey report, January 2014, “Employment and Unemployment Situation in India, 2011-12”.
4. The Right of Children to free and Compulsory Education Act, 2009, Ministry of Law and Justice(Legislative Department),New Delhi,27<sup>th</sup> August,2009
5. <http://labour.nic.in/content/division/directions-of-supreme-court.php,23-03-2015>
6. <http://www.dnaindia.com/india/report-gujarat-hc-says-private-schools-liable-for-criminalaction-if-they-violate-rte-act-2070369,19 march 2015>