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Legal Status of Rights of Child

Prateek Rastogi

Associate Professor, Dept. of Forensic Medicine, Kasturba Medical College, Mangalore, Manipal University, Manipal, India

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Children are vulnerable sections of society who are easily and commonly abused. Child abuse is common as the victims are weak emotionally, physically, financially and dependent on others for their survival. The abuse can be physical, sexual as well as emotional, the cases are usually underreported as in majority of situations abuser is another family member. Plenty of legislations are in place to combat this entity in Indian as well as in International Law.

International Arena

1. Declaration of rights of Child, 1959: Describes the rights and freedom which state should guarantee to children by means of legislation.
2. Convention on the rights of the child, 1989: Describes the standards in securing interests of child and outlines the fundamental rights of the child like: Right to life, Right to name and nationality, Right to protection from exploitation, trafficking abuse and inhuman treatment, Right to education, Right to social security, leisure, recreation and cultural activities, Right to freedom of expression, Right to freedom of thought and religion.

Articles 2, 19, 28, 34 and 39 of convention deals primarily with these aspects.

1. SAARC convention on Prevention and combating Trafficking in Women and children for prostitution.
2. Universal Declaration of Human Rights, 1948:Emphasis is laid on right to special care, assistance and education.
3. International convention on Economic, social and cultural rights, 1996: Emphasis is laid on primary education and protection from social and economic exploitation.

4. International Convention on civil and political rights, 1966: Emphasis in laid on separate provisions for dealing with juvenile offenders.

Indian Perspective

There are a plenty of legislations dealing with children, and are summarized under:

1. Guardian and wards act, 1890.
2. Hindu adoption and Maintenance act, 1956.
3. Factories act, 1954.
4. Immoral Traffic Prevention Act, 1986: Provides for enhanced penalities for immoral trafficking of children.
5. Child labour (Prohibition and Regulation) Act, 1986: Provides for punishments and penalties for employing children less than 14 years.
6. Orphanages and other Charitable Homes (Supervision and control) Act, 1960.
7. Juvenile Justice (Care and Protection of Children) Act, 2000: Provides for care, protection, treatment and rehabilitation of children in conflict with law and neglected children.
8. Commission for protection of Rights of the child Act, 2005.
9. The prohibition of child marriage Act, 2006: It makes child marriage a punishable offence and defines punishments and penalties for the same.
10. Prenatal Diagnostic Techniques (Regulation and Prrevention of misuse) Act, 1994.: primarily to prevent the misuse of diagnostic techniques for sex selection.

In addition, there are provisions under Indian Penal code, 1860 dealing specifically with offences related to children like: Foeticide and Infanticide (Sections 312-317), Kidnapping (Section 360-369). Also the provisions of sections 375-377(sexual offences) and 372-373(prostitution) can be employed for children.

Indian Government have also formulated a plenty of National Policies for education (1986), child labour (1987), nutrition (1993), health (2002) along with National Charter for children (2004) and National plan of action for Children (2005). In addition, there are national programmes for Juvenile justice, Integratedprogramme for street children, and schemes like shishugreha, Scheme for working children in need of care and protection and National Child labour project.

Thus, we see that there are plenty of legislations in India and world for care and protection of children, still it is a known fact that rules are violated, children are abused and offenders roaming free. These extensive and strong legislations should be made more effective by proper implementation.