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ABOUT US

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

THE IMPACT OF SOCIAL AND ECONOMIC FACTORS ON CHILD WELFARE OUTCOMES

AUTHORED BY - RUBAA SRIE

INTRODUCTION:

The term 'children in conflict with law' refers to anyone under the age of 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence.

Child welfare outcomes is one of the important concern in family law, as the development of children and welfare is part of the familial relationship. Social and economic factors experiences both the positive and adverse circumstance, which affecting their health physical, emotional and mental health. Social factors covers the wide, range that influences with family structure, parenting style and community support systems. Economic factors covers the impact a family's ability to provide for their children. Financial instability and poverty can lead to nutrition, healthcare, inadequate housing all of these which take part direct interference on child welfare. The lack of economic resources which affects the child growth. In this research paper we will examine the various ways in which social and economic factors interact to influence child welfare outcomes. By this research, we can contribute to the development of evidence based policies and legal strategies that categorize the wellbeing of children.

The child welfare issues in India such as poverty, lack of access to education, healthcare and basic needs which affects the growth and development of the child. India has a wide range of laws to protect children which is important component of social development. The child protection legislation is enshrined in four main laws: The Juvenile Justice Act (care and protection (2000, amended in 2015)); The Prohibition of Child Marriage Act (2006); The Protection of Children from Sexual Offence Act (2012) and The Child Labour Act (prohibition and regulation (1986, amended in 2016)). In India both boys and girls face early marriage, violence at home and school, domestic violence, sexual violence, child labour, trafficking, online violence. India has articulated its commitment to eliminating child

marriage through numerous policies, laws and programmes. The country's progress in past decade is one of the strongest among countries in South Asia. Child labour remains a complex problem in India.

ABSTRACT:

Research has consistently shown that children raised in stable, two-parent households tend to fare better in terms of academic achievement, emotional stability, and overall well-being. Conversely, factors such as family conflict, domestic violence, or substance abuse can have detrimental effects on child welfare. Furthermore, the accessibility of community resources, such as quality education, healthcare, and social services, plays a vital role in shaping a child's developmental trajectory. Purpose of reaserch is to find the issues of the children and to make a suggestion of better laws.

KEYWORDS: Child labour- Poverty- Education -Family condition - childwellfare issues -social programs - Child related laws.

SPECIFIC CATEGORIES OF SOCIAL AND ECONOMIS FACTORS ON CHILD WELFARE OUTCOMES

SOCIAL FACTORS:

1. **FAMILY STRUCTURE:** By Investigating how child welfare outcomes differ in various family structures, including two parent households, single parent households and blended family.
2. **COMMUNITY AND SOCIAL SUPPORT:** By Investigating the availability of community resource like schools, healthcare centre and social programs and how these resource can impede child welfare.
3. **CHILD ABUSE AND NEGLECT:** Analyzing the impact of child abuse and neglect on a child's physical and emotional well being, as well as the legal measues to address these issues.
4. **FAMILY DYNAMICS:** The effects of family conflicts, domestic violence, divorce or separation which affects the children's emotional and mental development.

ECONOMIC FACTORS:

1. **POVERTY AND SOCIOECONOMIC STATUS:** it tells about the effects of poverty, income disparities, and socioeconomic status on family's ability to provide for their child's needs.
2. **ACCESS TO EDUCATION:** it includes disparities in educational opportunities and resources can affect a child's academic achievement.
3. **CHILD SUPPORT AND ALIMONY:** The legal and financial aspects of child support and alimony in the context of family law and their role in child welfare.
4. **PUBLIC ASSISTANCE PROGRAMS:** Examining how programs like Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) influence family economic stability and consequently, child welfare.

ISSUES AND CHALLENGES:

Child welfare is an international concern as it affects children globally. Issues such as poverty, lack of access to education, healthcare, and basic needs affect children's development and growth. The United Nations Convention on the Rights of the Child (UNCRC) is an international legal agreement that defines the rights of children and requires all countries to protect them. Despite the convention's efforts, child welfare remains a global concern due to several factors, such as poverty, conflicts, and the impact of COVID-19.

1. Poverty:

Poverty is one of the significant challenges that affect child welfare globally. Children who live in poverty are more likely to experience malnutrition, lack of access to education, and inadequate healthcare. Poverty also increases the likelihood of child labor and child marriage, which impact children's physical and mental health.

2. Conflicts:

Conflict-affected regions pose a significant challenge to child welfare. Children in these regions are exposed to violence, displacement, and forced recruitment into armed groups. They are at risk of physical and mental harm and are likely to miss out on education and healthcare services.

3. Impact of COVID-19:

The COVID-19 pandemic has also affected child welfare globally. The pandemic has disrupted access to education, healthcare, and other essential services, resulting in increased poverty and child labor. Children's mental health has also been affected by the pandemic, with increased cases of anxiety, depression, and other mental health disorders.

4. Legal Provisions:

Several legal provisions aim to protect children's welfare, including the UNCRC, which sets out children's rights and requires all countries to protect them. The Convention on the Rights of the Child has been ratified by all but two countries globally, making it one of the most widely ratified human rights treaties globally.

Other legal provisions include the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, which seeks to protect children from sexual exploitation and abuse.

CONSTITUTIONAL COMMITMENTS TO THE CHILDREN:

Though the concept of the rights of the child was not very lucid at the time of making of the Constitution, it was visualized that children are the assets of the country. They need protection and provisions to develop in complete beings capable to guide the nation. The Indian Constitution contains certain provisions specifically aimed for protection, development and welfare of children.

Provision related to Children in "Constitution of India":

Article 14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Thus nobody including the children should be denied of equality of status, opportunity and protection.

Article 15(3) which provides for protective discrimination in favour of children, says: "Nothing in this Article shall prevent state from making any special provisions for women and children." Thus in explicit terms, Article 15(3) empowers the State to make special provisions for children as and when

it is necessary for the well being of children.

The right to life in Article 21 encompasses all sections of the society including women and children. And this right to live with human dignity is available to a child also.

Article 21A makes the State duty bound to provide free and compulsory education to all children below the age of fourteen years in such a manner as a state may, by law, determine, incorporating the dictum delivered by the apex judiciary in *Unnikrishnan v. State of A.P.*

Article 24 specifically prohibits employment of children below the age of 14 years in any factory, mine or in any other hazardous employment. This provision is incorporated in the Constitution for the safety of the life of children. In *Labourers Working on Salal Hydro Project v. State of J. & K.*, the court held that construction work is hazardous employment and children below 14 years cannot be employed in such type of work. Article 24 makes it obligatory for the state to protect the economic, social and humanitarian rights of millions of children working in factories and such other work places.

Directive Principles of State Policy

This part of the Constitution, viz., part IV, also clearly provides for policies directed towards the welfare of the children.

Article 39(a), (e) and (f) specifically provide certain policies to be followed by the State for the welfare of the children. Article 39(f) states “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 in explicit terms directs the State to endeavour to provide free and compulsory education for all children until they complete the age of 14 years, within a period of 10 years from the commencement of the constitution. This direction reflects the interest of the framers of the constitution as regards the education of the children as education is the foundation for a healthy and proper development of a child.

CASE RELATED CHILD WELFARE

M.C. Mehta vs. State of Tamil Nadu

Sivakasi, a town in the state of Tamil Nadu was one of the worst-hit towns in terms of child labour in the country. In this case, concerned about the unbearable state of child labour in the town filed a petition under Article 32 of the Indian Constitution. It was contended that the employment of children in hazardous match stick factories was morally preposterous and constitutionally invalid.

The respondent government did not oppose the claims and submitted ideas to deplete the problem. Therefore, the court issued certain directions suggesting means to improve the lives of the affected children. However, subsequent to this order an accident occurred in one of Sivakasi's fireworks factories. The court took suo moto cognizance of this incident.

On the issue of child labour, The Court held that Articles 24, 39(e) and 9(f), 41 and 47 obligated the State to abolish child labour while ensuring healthy development of the child. 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. In the domestic sphere, the Court held that there are several pieces of legislation such as the Child Labour (Prohibition and Regulation) Act, 1986 (the Act) that protect children from exploitation. However, the Court took note of the fact that poverty compels a family to push their child into hazardous employment. The Court held that it was thus necessary to fulfil the legislative intent behind the Act to ensure the healthy development of a child.

Unni Krishnan vs. State of Andhra Pradesh:

Education of Children:

The case involved a challenge by certain private professional educational facilities to the constitutionality of state laws regulating capitation fee charged by the institution. The Supreme Court held that the right to basic education is implied by the fundamental right to life (Article 21) when read in conjunction with the directive principle on education (Article 41). The Court held that the parameters of the right must be understood in the context of the Directive Principles of State Policy, including Article 45 which provides that the state is to endeavor to provide, within a period of ten

years from the commencement of the Constitution, for free and compulsory education for all children under the age of 14.

CONCLUSION

Children constitute the nation's valuable human resources. The future well being of the nation depends on how its children grow and develop. The great poet Milton said "Child Shows the man as morning shows the day". So it is the duty of the society to look after every child with a view to assuring full development of its personality. Children are the future custodians and torch bearers of the Society: they are the messengers of our knowledge, cultural heritage, ideologies and philosophies. Unfortunately millions of children are deprived of their childhood and right to education and thereby they are subjected to exploitation and abuse. CRY (Child Rights and You), Butterflies and Smile Foundation are some of the NGO's which are contributing to Child Rights in India. To tackle the situation of Children in India some of the suggestions are as follows:

Constitutional Amendment: Art 24 of the Constitution should be amended as below:

"No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other employment".

The age of the child provided under Child Labour (Prohibition and Regulation) Act, 1986 i.e., 14 years should be enhanced to 18 years so as to bring it on par with United Nations Convention on the Rights of the Child, 1989.

- Every State Government shall frame Rules under the Right to Education Act, 2009 immediately for the proper implementation of the provisions of the Act.
- The Judiciary should be more sensitive in dealing with child rights cases. The general rule of 'benefit of doubt' cannot be given to the offending party. When guilt is proved, offending party should be punished with imprisonment and not with fine. Further there is a need to increase the conviction rate.
- Government should encourage the NGOs for promoting child rights by granting proper budget periodically and accountability should be fixed on NGOs to ensure that the funds are utilized

for the purpose for which it is given.

To deal with apathy on the part of the law enforcing agencies in the discharge of their duties, there is need to conduct periodical orientation and training programmes to sensitize them adequately.

- It is suggested to give more focus on implementation and enforcement of child rights legislations and other laws meant for the protection of the children and making children participate in the decision making of the laws by taking their suggestions and giving them value as finally they are the ultimate bearers of the Laws.
- workforce, we must continue to value youth and family input on what makes a model workforce. For example, the session, "The Impact of Staff Turnover on Services to Children and Youth" presented by Freda Bernotavicz and Sandra Spencer provided an important opportunity for this audience to hear children and a parent discuss their experience with worker turnover and its effects.¹

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