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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

AN OVERVIEW OF CHILD RIGHTS IN INDIA

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Child Rights in India

The Indian Constitution's Directive Principles of State Policy (Article 39) confers authority upon the state to guide policies in a manner that safeguards the innocence of young children and prevents their exploitation and moral abandonment during their childhood. In continuation of this constitutional obligation, India, the country signed the UN Declaration on the Rights of the Child in 1959 and put its National Policy on Children (NPC) into effect in 1974. This strategy confirmed the constitutional rules and gave the State the power to ensure that children receive sufficient services throughout their developmental years to promote their complete physical, mental, and social growth. Because of this, the Child Labour (Prohibition & Regulation) Act of 1986 was made law, which said that kids younger than 14 couldn't do any kind of work.

As a signatory to the 1992 UNCRC, India has acknowledged child rights as a legally binding obligation on a global scale. India changed its law on juveniles, the Juvenile & Justice (Care & Protection) Act after it signed the UNCRC in 1992 establishing the provision of justice from the state to all individuals under the age of 18 who require care or protection. In March 2007, The Commission for the Protection of Child Rights Act of 2005 said that the National Commission for the Protection of Child Rights (NCRC) had to be set up. The Commission was in charge of making sure that all laws, policies, programs, and ways of running the government were in line with the Child Rights viewpoint.

The constitution of India, as of now, guarantees all children certain rights which include:

- a) Right to free and compulsory elementary education for all children between the age group 6-14 years. (Article 21A).
- b) Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- c) Article 39(e) says that people have the right not to be abused and not to be made to work in a

job that isn't right for their age or strength.

- d) The right to equal chances and facilities to grow up healthily, as well as the right to live a free and dignified life and the right to be protected from being exploited or left without moral or financial support [Article 39(f)].

Notwithstanding the existence of numerous legal instruments, however, the security of minors in India remains precarious.

Multiple indicators demonstrate that child rights are being violated in various regions of our nation, with potentially catastrophic social and economic repercussions. Child Abuse constitutes an additional perilous facet of erosion that subtly stifles the growth and potential of numerous children. Sex education for minors is not provided in our country, where taboo topics continue to prevail. For extended periods, children continue to be exploited and violated due to a lack of adequate awareness and consequent failure to protest.

This paper seeks to identify various policy and governance loopholes in which extra precautions must be taken to avert these wrongdoers and violators of human rights. The main purpose of this paper is to propose a limited number of policies that restructure the aspect of this country into an "economy protected by children's rights," departing from the orthodox viewpoints.

India has actively engaged in a substantial portion of the worldwide discourse surrounding the rights of children, most notably the eleven-year debate that culminated in the establishment of the UNCRC in 1989. In 1974, As the "most valuable asset" of the country, children were named by the Indian government in the National Policy for Children. The Ministry of Building Up Human Resources, and the Department of Women and Child Development were set up. In addition to lobbying and cross-sectoral monitoring, the Department implemented several other initiatives aimed at assisting women and children. As a consequence, In 1992, the Department made a National Plan of Action for Children. The Indian government agreed to it on November 12, 1992. As soon as the government signs it has to "evaluate domestic and state legislation and ensure its alignment with the tenets of the Convention." The Convention makes clear again that children have the rights set out in the Indian Constitution, thereby equipping itself with formidable force against those who contest them. In 1997, India gave the Committee on the Rights of the Child its first report. The purpose of this preliminary report was to give the Committee an idea of what was going on with Indian children. The paper lists

all of the country's laws and rules that affect children.

India's involvement and cooperation in several foreign mechanisms, as well as the important role that non-governmental organizations (NGOs) play in promoting human rights in India, were commended by the Committee. Furthermore, it emphasized the hindrances to child rights enforcement caused by India's substantial population growth rate, numerous natural disasters, and substantial population growth rate.

With "a wide array of constitutional and legislative provisions, as well as institutions for the protection of human rights and children's rights," India has been involved in a lot of the worldwide talk about children's rights. The court, in particular the Supreme Court, has made frequent references to provisions of international human rights instruments, which India has welcomed (CRC, 2000). Furthermore, the Committee acknowledged the substantial support provided by Indian non-governmental organizations (NGOs) that work on human rights.

India was praised for its active involvement in many international tools and its willingness to work with others. The report also recognized that India's frequent natural disasters, high population growth rate, and sizable child population impeded efforts to implement child rights.

India is trying to implement its current legal framework, get around problems with coordination and communication caused by its federal system of government, make sure people are held accountable, establish responsibility that is subject to criticism by the Committee, and explain its inability to gather, assess, and distribute dependable. In March 2007, the Indian government set up the National Commission for Protection of Child Rights (NCPCR). Its job is to "ensure that all laws, policies, programs, and administrative processes are consistent with the UNCRC and the Child Rights perspective as enshrined in the Indian Constitution" (NCPCR, 2008).

The NCPCR, in adherence to the recommendations of the CRC Committee, has directed its endeavors towards the reduction of discriminatory practices against minors, specifically discrimination based on gender, which has a long, complicated, and important past in India.

Articles of the Indian Constitution that Protect the Rights of Children

India's rules to protect children are based on parts of the country's constitution that protect children's rights. India has laws about children that were made by both the Union and State governments. Besides these child safety laws, there are also many criminal laws, such as the Indian Penal Code, that protect children. The Code of 1860, the Indian Evidence Act of 1872, and the Criminal Procedure Code of India.

Numerous violations of child rights occur in violation of the Child Protection Act, including the rights to food, schooling, medical care, and protection from being exploited are denied or hard to get. Even though the legal framework established by our Constitution and various Union and State statutes assures that every child can enjoy a secure and affectionate environment during their formative years, significant segments of the child population continue to be deprived of these rights. While the constitutional and judicial framework has safeguarded the political and legal rights of children, considerably something needs to be done to protect the economic and social rights of groups that are weak. The freedoms of children can't be improved just by changing the law.

Several parts of the constitution guarantee the rights and safety of children. Having kids requires additional care and safeguarding as a result of their delicate development and immaturity. They are endowed with distinct legal privileges and rights that enjoy international and national recognition. To a considerable degree, many parts of the Constitution recognize children's rights, which cover topics such as free and mandatory education, the development and freedom of childhood, non-discrimination in education, and against letting kids work in dangerous places like mines, factories, and other dangerous settings. Under the rights bestowed upon children as citizens of India by the constitution, the government has implemented distinct legislation to mirror this peculiar circumstance. The majority of the rights listed in the UN Convention on the Rights of the Child as Fundamental Rights and Directive Principles of State Policy are protected by the Constitution of 1950. Also, children have the same rights as any other adult Indian citizen, male or female.

Some of the laws that are protected by the Indian constitution are listed below:

- **The chance to be equal:** Equality before the law says that the government can't deny anyone similar protection under the law or equality before the law within the borders of India from any individual. Non-citizens and citizens of India, including minors, must be accorded equal treatment and recognition by the state, and legal protection, to avert all forms of prejudice and capriciousness. Child protection is ensured by this constitutionally protected right, which prohibits the exploitation of the children's dignity and integrity. In Indian society, fragile children are more susceptible to experiencing unjust treatment.
- **Not being able to treat people differently because of their religion, race, caste, sex, or where they were born:** The government can't treat a person differently just because of their religion, race, caste, sex, place of birth, or any other reason combination thereof. Additionally, it stipulates that "nothing within this article shall impede the State from undertaking any provisions that are unique to women and children. Article 15.3 explicitly designates it as a "special provision" and an exception to the rule of art. The state and Article 15.1 of the Indian Constitution may make special provisions for women and children.
- **The right to learn:** In 2002, It was added to the Constitution by the 86th Amendment, which is called the "Right to Education for Children." The State must provide unrestricted "Education shall be mandatory for all children between the ages of sixteen and fourteen in a manner determined by the State by law." This part of the law says that every child has the right to an education, which should include not only free and required classes but also the provision of a superior standard of learning. Irrespective of their socioeconomic, cultural, or economic conditions.
- **Prohibition of employment of children in factories:** "No child shall be employed below the age of fourteen in hazardous occupations such as mines or factories, or any other dangerous occupation." Railway work and construction are both instances of dangerous situations. India is limited and controlled by this article.
- **Safety for life and freedom for the individual:** Under legally established procedures, A person will lose his life or his freedom. The right to life is an essential part of being human. It includes all the things that make a person's purpose, fulfillment, and good health more than important. The idea behind the right to life is that everyone has basic needs that they can't live without an individual.

As stipulated in Article 37 of the Directive Principles of State Policy, the rights to social and economic freedom are called "vital to the government of the country." Based on these ideas, the government has to incorporate them into the development of legislation. Several provisions within state policies such as the Directive principles delineate the critical role that the state plays in protecting the rights of minors. The adherence of the state to specific policy principles is mandated in Part 39 of the Directive on the Principles of State Policy. These consist of:

1. "Because of economic necessity, the health and strength of workers, men, and women, and the young age of children are not compelled to engage in labour that is inappropriate for their physical capabilities or age." Child servitude is a grave offense necessitated by. Because of the need to save money, it is the government's job to make sure that no kid is abused emotionally or physically.
2. "Children are provided with the means and resources necessary for their healthy development in an environment characterized by liberty and respect, and they are safeguarded against material and moral abandonment and exploitation during their childhood and adolescence." Furthermore, this legislation safeguards adolescent existence and offers prospects as well as facilities for students aged fourteen.
3. The provision for "education and early childhood care for children younger than six years of age." As per this stipulation, The State must do everything possible to make sure that all kids can go to preschool and school until they are six years old. It is the responsibility of the state to ensure that children are raised in a secure environment where they can appreciate their youth without fear of harm from the outside world. It is the responsibility of the government to ensure that they receive a compulsory and cost-free education. Additionally, the following liberties are safeguarded by the Indian Constitution:
 - The prohibition of compelled labor and human trafficking.
 - Ensuring the protection of scheduled tribes, scheduled castes, and other marginalized groups protecting them from all kinds of social abuse and exploitation while also helping their economic and educational goals.
 - It is the responsibility of the government to enhance public health, nutrition, and infrastructure, as well as to raise living standards.

One of the fundamental duties that each citizen of India is obligated to perform. "It shall be the responsibility of each parent or guardian of an Indian citizen to ensure that their child or ward, as the

case may be, is provided with educational opportunities during the period from six to fourteen years of age." Constituting The explicitly states that parents must provide an education for their children, as it is vital for the development and progress of the nation.

In recent years, the Indian court's role and the range of cases it can decide have grown a lot. This is partly because of how much more the government is getting involved in the law. Justice is needed to protect the basic rights of everyone, whether they are members or not. "Equal protection of the laws" and "Protection of equality before the law" are the two most important human rights in the world. India is a sovereign, socialist, secular republic with a constitution that includes a full human rights charter. It is the biggest democracy in the world. India follows through on its international promises and bases its foreign policy on its constitution. Part IV, Article 51 of the Indian Constitution talks about rights in a general way.

In today's world, court activism has grown as a way to protect children's rights, such as their right not to be abused, trafficked, or sexually exploited. The way the Indian court works is an important part of making sure that human rights and children's rights are respected. If major changes need to be made, they should be made to things like organizations, the jail system, illegal detention, rehabilitating children with mental retardation and other disabilities, child labor, child marriage, adoption, juvenile justice, fighting the trafficking of women, and the welfare of prostitutes' children. The courts have made decisions on almost all problems involving children. The court thought about the case knowing that every decision was made with the welfare of all children in the country in mind. Since the kids can't go to court on their own, To protect children's rights, under Articles 226 and 32, a person or non-governmental organization can file a social PIL in the SC or HCs. This can be done against the appropriate departments of the Union Government, each State Government, or both.

Articles 32 and 226 of the Constitution establish constitutional remedies if fundamental rights are violated. "Anyone who wants to defend their fundamental rights can file a petition with the Supreme Court." It is a basic human right. "An individual may petition the High Court to have his rights—which may not be fundamental rights—protected."

To protect the rights they have been granted, the courts may grant the following writs:

Habeas Corpus: The phrase "you may have the body" is Habeas Corpus. An individual who is being held in a jail or privately, regardless of age, receives a summons to court. If it turns out that his detention was unlawful, he will be freed.

Mandamus: translates to "we command." A mandamus is an order from the Supreme Court or the House of Commons that compels subordinate courts, tribunals, or public agencies to carry out a public or statutory duty that they have neglected to do.

Prohibition: It is issued by the SC or the HCs to stop subordinate courts operating within their purview from going beyond what is allowed.

Certiorari: It permits a higher court to reverse an order rendered by a subordinate court, tribunal, or quasi-judicial body.

Quo warranto: "According to what right?" is what it means. Its purpose is to stop someone from occupying a public office that they are not legally entitled to.

Several of the judiciary's historic rulings on children's rights include:

The court's decision in "**M.C. Mehta v. State of Tamil Nadu**" says that dangerous work for children must be illegal. The decision made clear what the constitution's goals are and showed that there is a link between being poor and having children work. There was also a claim that the state had not properly ended child work.

The Supreme Court said in "**Gaurav Jain v. Union of India**" that children of sex workers have the right to fair treatment, self-respect, safety, and recovery so they can go back into society without being judged.

In "**Vishal Jeet v. Union of India**", the court told the state government to build shelters to protect young women who are pushed into the "flesh trade" and homes for kids who are found wandering the streets to help them get back on their feet.

In "**Sheela Barse v. the Secretary Children's Aid Society & Ors.**" the Supreme Court said that juvenile justice should be unified and that no child should ever be locked up.

"Education is a preparation for a living and life," the Supreme Court said, and every person has a

constitutional "right to education." This was ruled in the case of "**P. Unni Krishnan v. State of Andhra Pradesh**". For people to use their right to education, the government has to build schools.

In our culture, children are a particularly vulnerable population. They are the future resources of humanity. A child's rights are equally as important as those of an adult. To secure children's survival and a better future, it is imperative to protect their rights. Frequently, children are denied access to essentials like safe drinking water, experience hunger from insufficient food, and are compelled to live in filthy conditions because of financial difficulties. A child's whole development, both mentally and physically, is influenced by all these elements. Regardless of whether the child is breaking the law, it is imperative to give them the right care and attention, as well as an environment that fosters growth and development.

Situation of Child Labor and Education in **Evaluating Children's Rights**

Educating children and helping them grow and learn go hand in hand. Every child's ability to work hard on any task is improved by going to school. It makes her more employable and gives her more power in making decisions for society. But there's more to kids' schooling than that one-way link to child labour, and the latter usually gets in the way of the former. But there is still a strong and well-established link between work and education, with work itself seen as a part of education. Even though it's normal for school-age kids to work in our country—in fact, 8% of school-age kids' jobs are considered child labor—dangerous child labour is still seen as a bad for kids' development. Kids' rights are broken when they work as slaves and don't go to school. They make up 4% of all Indian kids between the ages of 10 and 14. No matter what the situation is, child labour, high family needs, and financial stress could all be signs of underdevelopment. However, the Right to Education Act 2009, which became law on April 1, 2010, gave the government full control over making sure that all children ages 6 to 14 got a free, required education. The IHDS (2004–2005) says that only 11% of kids between the ages of 10 and 14 are working. These kids do a wide range of jobs, such as taking care of animals, working on family farms, working for family businesses, and doing wage tasks.

In the education-labour sector, regional variance is also noted. To address these difficulties, we plan to launch the CDE Index, a composite index of Child Development in Education (CDE) that also

addresses Child Labor issues.

CDE Index is the percentage of school-age children in a certain age range/percentage of child labour in that age range.

Since both are important for protecting children's rights, the CDE index measures both the drive to register children and the situation with child labour at the same time. Higher rates of child work in the area can also make an indicator less useful, even if higher enrollment in a state makes the indicator more useful. Now, the value of the Index would go up, showing that the region's double success if it does a good job of keeping kids in school and keeping them from working. The 2001 census results are used to make CDE Indices, which are based on the major states of India.

Kerala, a state that has made big steps forward in both areas (with 100% enrollment and a low dropout rate), has gotten a better CDE Index grade for child labour. These are the other states that are doing well: Maharashtra, Tamil Nadu, and Punjab. Rajasthan has the worst school system in the country, and there is a lot of child labour there. Andhra Pradesh, Madhya Pradesh, Karnataka, Bihar, and Assam are the other states that did poorly. Himachal Pradesh did very well with enrollment, but a lot of child work hurt its CDE Rank.

The following states have made significant progress: Madhya Pradesh, Jharkhand, Chhattisgarh, Haryana, Jammu & Kashmir, and Tamil Nadu. Although the first two states performed below average, they were successful in implementing changes in the field of child education as preventing "child labour" from occurring and raising the index above the national norm. Some of the best-performing states that performed poorly between 2004 and 2008 are Assam, Bihar, Gujarat, Punjab, Uttarakhand, and Kerala. Kerala has experienced an increase in the prevalence of child labour over time, which has caused the Education-Labour related Composite Index to decline. Karnataka, Orissa, Rajasthan, and West Bengal are among the states that ought to exercise extreme caution when it comes to their development priorities concerning child education and child labour.

Rights to Child Protection & Abuse

The Indian Constitution acknowledges children's vulnerability and their "right to protection." The Directive Principles give special consideration to children under the philosophy of protective

discrimination, enabling the implementation of any essential and unique laws and policies consist of. India still has a high rate of child maltreatment, and the rights and laws in place are insufficient to protect children's interests. Because most of the victims' children choose not to report the abuse, a significant amount of child abuse occurs in secret. However, because the Indian Penal Code lacks explicit prohibitions, even the reported abuse cases remain unpunished. For example, the law makes no mention of how to handle sexual harassment of male youngsters.

A study from 2007 by the Ministry of Women and Child Department (MWCD) in a few big states found that different types of child abuse are very common in our country. MWCD (2007) used four indicators to measure how bad the abuse was. These were:

Physical Maltreatment - Kicking and slapping striking with a stick or stave, Pushing and swaying.

Abuse of Sexual Character - They come in two varieties (intense forms and mild forms).

- a) Severe forms include "photographing a child in nude," "making the child exhibit private body parts," "making the child fondle the private body parts," and "sexual assault."
- b) Additional forms include "forcible kissing," "sexual approaches during marriage or travel," "forcing children to view pornographic materials," and "forcing children to view private body parts."

Abuse of Emotions - humiliation, which involves being treated harshly, being ignored, yelling, or speaking aloud, and using foul words; comparison with other kids or siblings.

Neglect of Girl Child - not giving as much attention as their brothers, sharing less food, Child care for siblings, Discrimination based on gender.

Relationships among Various Measures of Child Development

A thorough understanding of the state of child development in each of India's states aids in our measurement of the discrepancy between the intended and actual results of policies. Determining the degree of coherence that existed can also be aided by measuring the association between various variables among many development metrics. For example, whether the same-state children's good health can be linked to their good education. We use the calculated value of the Rank Correlation Coefficient in addition to Pearson's and It's called Spearman's Rank Correlation Coefficient. A strong positive link is found between Health and Education in all Indian states, as shown by both Pearson's and Spearman's Rank correlations.

Nevertheless, our limited data set shows no evidence of a significant correlation between the abuse indicator and either the education indicator or the health indicator. The lack of data on "Child Abuse" prevents us from trying to establish any solid relationship between the abuse indicators and the development indicators. Nonetheless, the negative correlation observed between the "composite child-health index" and the "composite child-abuse index" indicates a concerning aspect for the overall economy. A similar inverse relationship between maltreatment and education should likewise serve as a wake-up call for those responsible for economic planning.

Pearson's Correlation (Health, Education) = 0.47* (*significant at 0.05 level) Spearman's Rank Correlation (Health, Education) = 0.53

R Squared (Health, Abuse) = - 0.20

R Squared (Education, Abuse) = - 0.06

Indian planners are undoubtedly more concerned about the fact that we are averting our eyes from the things that are subtly exacerbating our issues and fraying the nerves of the economy. The word "child abuse" is still frowned upon. We have not desired to talk about the issues, nor are we attempting to gauge how long the bad luck has lasted. We don't even bring up this topic in front of our children until after they have noticed a significant decline in moral behavior.

However, none of these can completely rule out the possibility of these issues growing discreetly, which is a bigger concern for the economy. Abuse is comparable to a magical creature. It is not motivated by any hypothetical reason and can originate from anyone, both inside and beyond the family. The young person might be the target of abuse in a place of worship, a temple, or a school. This magnitude is so low because of everything between vicious beatings by school teachers and sexual and mental abuse by kids in school. Even though domestic abuse of children can never be proven. Given the prevalence of child maltreatment in workplaces, rapid adoption of prohibitive measures is necessary.

Rights of Children and Gender

Indian culture and history are deeply rooted in paternal and patrilineal traditions. Different customs have led to different values for girls and boys based on their caste, class, and where they live, and these values are still in place today. Patrilineal traditions say that only the son can take on the family

name, which is the most valuable thing in most Indian families. Until not long ago, laws about land inheritance made it hard for men to receive pushtoni jaidat (ancestral property). Patriarchal rules shape the different ways that boys and girls learn to socialise. Guys are seen as important to the family and are told to become independent and able to provide for themselves. Girls are socialised to be good, polite, responsible, submissive, and useful at home because they are being trained to be beautiful brides, even though being born is often seen as a bad thing. Boys are admired for being able to light their parents' funeral pyres, which is thought to be the last thing that will save their lives. Giving a gift to the groom's family during the wedding of their daughter, on the other hand, makes the parents feel better about each other. It is common for girls in her caste to marry into families with the same or higher rank than them. This is called hypergamy. The dowry tradition has become more and more expensive lately because of this. This makes it harder for parents of daughters to save up for their dowry from the time their daughter is born, and many parents go into huge debt to pay for it. Also, it is common for women to live with and help out their husband's family after they get married. Because of this, girls are perceived as paraya dhan, or borrowed treasure, whereas boys marry and bring home a bride to help their parents out. In these deeply rooted patriarchal traditions, having sons is sometimes the only way for a woman to get over her inferior position (Manhoff, 2006). "May you be the mother of many sons" is a common wedding wish. India has always wanted boys, so there has been a lot of bias and prejudice against girls. This can be seen in the low and falling sex ratio, the higher death rate for girls as babies, the young age at which girls get married, and the low learning rate.

Declining ratio of men to women

That is, the sex ratio is the amount of women to men in every 1000. (Bhan, 2001) shows that India is going in a very bad direction. It was 972 in the 1901 census, but only 933 in the 2001 census (Census of India, 2001). The link between differences in sex ratios and differences in how much girls are valued across regions shows how harmful standard gender biases can be and what people do as a result. The highest stated sex ratio is in Kerala, which is the only state with a positive ratio of 1058. Punjab (874), which is the richest state, and Haryana (861), which is the poorest state, have abnormally low ratios (Bhan, 2001). The falling ratio of boys to girls may have something to do with easier access, but the main reason for the general bias against girls is still the wrong use of sex-determination technologies (Indian Alliance for Child Rights, 2005).

Child death rates

India is responsible for 25% of all child deaths in the world, with a death rate of 63 per 1000 births among children under five. Half of these deaths could have been avoided (UNICEF, 2008b). For kids ages 1 to 4, the death rate for girls in India stays higher than for boys after the first month; it's 61% higher for girls at 23 per thousand, compared to 14 per thousand for boys (NFHS-3, 2006). This is different from most other countries, where babies and kids who live past the first month are only killed by natural causes. It is important to remember that differences in death rates are caused by differences in family income. In the richest families, there is no difference in the death rates for babies and kids based on gender. While more boys than girls are born into rich families and more girls than boys die in poor families (NFHS-3, 2006), Janankhya Sthirata Kosh (2006) says that poor parents may choose to put their son's health, nutrition, and schooling ahead of their daughter's. The truth is even more so for girls who are second or third-born (Bhan, 2001).

Underage marriage

In India, one in four girls gets married before turning fifteen, a testament to the pervasiveness of child marriage (NFHS-3, 2006). Over the past 10 years, the median age at which females get married has been mostly stable, according to reports from the NFHS-1 (1992–93), NFHS-2 (1998–99), and NFHS-3 (16.8–16.7). In contrast, the median age at which boys get married has remained mostly stable at 22.7. Despite national legislation that forbids child marriage is still common in several regions, and public officials are still present when large numbers of youngsters are married off at public events like Akha Teej in Rajasthan (IACR, 2004; Law Commission of India, 2008).

Rates of female literacy

Inequality in literacy rates is another sign of persistent discrimination against women. While the general population's literacy rates have improved significantly since Independence, growing from 18.35% in 1951 to 65.38% in 2001, female literacy has improved even more, going from 8.9% in 1951 to 54.21% in 2001. Despite this sharp increase, the overall percentage of female literacy is appallingly low. Despite an increase in female literacy, parents in many parts of India discourage their daughters from going to school for longer than a few years because they believe that higher education is an unnecessary investment in females who would marry and live with their husbands (Sudha and Irudaya Rajan, 1999). There are numerous reasons why most illiterates are women, especially in states with

high levels of education (Govinda, 2007). Females in India continue to face severe kinds of discrimination based on damaging customs and beliefs that remain unquestioned, despite governmental efforts to offer legal protection against it. The Committee (CRC, 2000 & CRC, 2004) identified early and forced marriages, low school enrolment and high dropout rates, female infanticide, and harmful traditional practices towards girls as examples of discriminatory social attitudes and practices that violate girls' rights in India. For girls' status to improve, a discourse that questions the conventional perception of them as a "burden" and "less than" is crucial. The Committee (CRC, 2000) promotes the adoption of "public education campaigns to prevent and combat gender discrimination, particularly within the family" in its Observation Report. Additionally, "political, religious, and community leaders be mobilized to support efforts to eradicate traditional practices and attitudes which discriminate against girls," is another recommendation made in the document.

Rights of Children and Education

There are a lot of international agreements and treaties that agree on how important education is for social progress. In the last twenty years, a lot of global goals and efforts have been centred on achieving educational attainment for all through free and mandatory education. This is because everyone knows that education is a necessary step before achieving any other rights. Article 29 of the CRC says that education should do the following: "preparing the child for a responsible life in a free society." The CRC also knows that education should be a "freeing" force by calling into question harmful moral practices.

India's Educational History and Present

Since the early days of formal education in India, when only boys from the upper caste were deemed worthy of an education, gender, caste, and class have defined access to education. Over time, the different customs and cultures that either developed naturally in India or were brought in by foreign conquerors have influenced the layout of formal education in that country. The two most significant of these were the British (1858–1947) and Mughal (1526–1858) Empires. While the British introduced the colonial model of education, which still stands as the current framework for formal education in India, the Mughals brought madrasahs to the country (Sultanat, 2003). Weiner (1991) noted that India's education policy is based on "deeply held beliefs that there is a division between people who work with their minds and rule and people who work with their hands and are ruled, and that education

should reinforce rather than break down this division." This observation highlights a fact that has persisted historically despite all these transformations: children's access to quality education is restricted based on their gender, caste, and class.

It shouldn't be a wonder, then, that education didn't get much attention in free India because it was only a Directive Principle under Article 45 of the Constitution of India, 1950, and not a basic right. Indian children have the right to free and mandatory education, but this has not been met despite many tries over many years, including orders from Educational commissions, Putting educational goals in all five-year plans, and signing three international agreements that make the right to education for all children a core principle. People working together, the projects we've already talked about, and the important ruling in the Unnikrishnan, J P v State of Andhra Pradesh case all made it possible for the 86th Constitutional Amendment Act to be passed in 2002. The Constitution of India (1950) says that all children between the ages of six and fourteen have the right to free and compulsory schooling (Article 21 of the Act). A lot of changes were made to the Act to improve accessibility, fairness, and quality, especially for "disadvantaged" and "weaker" groups that were left out or ignored in the previous bill. The changed bill was passed by both houses in 2009, and it became law as the Right of Children to Free and Compulsory Education Act (RTE) on April 1, 2010.

The Effects of Child Abuse

The act of using minors as labourers put their bodily and mental well-being in jeopardy while denying them the chance to have enough food, housing, and education. Child labour is classified as emotional abuse, exploitation, and neglect among the four main forms of child abuse: physical, sexual, emotional, and neglect. The exploitation of children for profit is known as child labour.

Different from exploitation, neglect is the inability to provide a child's fundamental requirements. There are three types of neglect: emotional, educational, and physical. Inadequate food, clothing, and housing provisions, denial of medical care, and poor hygiene all constitute physical neglect. When a child reaches school age and is not enrolled, it is considered educational neglect. The absence of emotional support, such as when mental health services are not provided, when there is marital abuse, or when a kid is allowed to engage in drug and alcohol misuse, is known as emotional neglect.

A child worker experiences low self-esteem, alienation from the rest of the family, and a propensity

for self-destructive behaviour. It is probable that they will experience delayed psychological maturation and may exhibit antisocial behaviours such as lying and having a fear complex.

The part stakeholders play in reducing child labour

1. Agencies of the National Government.

- The UN Convention on the Rights of the Child must be ratified by national agencies (CRC).
- To prevent minors under the age of 14 from working, an efficient legal framework must be put in place through appropriate laws.
- Economic sanctions should be applied to nations that permit the employment of minors in the production of export goods.
- The National Government must establish appropriate oversight and implementing authorities to carry out the numerous acts that it has passed.
- National Social Welfare programs will be implemented to help low-income families whose children are taken away from their places of employment.

2. NGOs

- NGOs play a crucial role in educating the public about child abuse and the denial of children's basic rights to food, shelter, and education. UNICEF has made it clear that non-governmental organizations (NGOs) play a crucial role in numerous intervention stages, directly participating in identification and rescue operations.
- Help governmental organizations put different laws into effect.
- Determine the locations of child labour and notify the government about them.
- Advocate with national governments to get severe laws prohibiting child labour put into place.
- Set up rehabilitation facilities to house kids taken from construction sites.

3. Forum for Civil Society and People

- To locate child labour sites and notify authorities of them, civil society can take proactive measures.

- Raise public and parental understanding of the harm that child labour causes to children.
- Encourage parents to enroll their kids in school.
- Plan therapy sessions for both parents and kids.
- Plan coordinated demonstrations, marches, blockades, etc. to oppose hiring minors under the age of 14.

4. **Business Organisations**

- Embrace the prohibition against child labour in their mission.
- Introduce child welfare programs.
- Establish distinct welfare funds to support organizations promoting the outlawing of child labour as part of your Corporate Social Responsibilities (CSR) efforts.
- Display signs promoting the advantages of outlawing child labour.

5. **Personal Social Accountability & Action**

- Fight against child labour in any form.
- Firmly and fearlessly oppose any child labour practices that they become aware of.
- When voicing your disapproval to store owners and organisations who use minors as labour, be very forceful.

Suggested Changes

Tracking is a crucial tool for documenting the development of the project beneficiary, starting from the point at which the survey identifies him or her as a child labourer, continuing through enrollment in special schools, and ending with mainstreaming. Even after mainstreaming, the child needs to be closely observed to find out if they are still attending conventional schools or have stopped altogether. It is crucial to follow up with a child who has received rehabilitation via the Project to see how well they are adjusting to life back in the mainstream school.

This kind of supervision would guarantee that the youngster doesn't return to exploitative labour. Thus, a well-thought-out Tracking and monitoring (T&M) system would guarantee that the recipient has received appropriate rehabilitation. In addition to helping with the tracking of migratory child

labour from one NCLP district to another, effective web-based monitoring would also support the children's continued education and rehabilitation despite their movements.

Therefore, the Tracking and Monitoring method is crucial to evaluating the Project's true effectiveness in terms of the kids' genuine mainstreaming and subsequent attendance in schools. Additionally, it would lend the Project's efforts legitimacy and genuineness. Although Index Cards can also be used for tracking and monitoring, a web-based electronic system is a more effective and contemporary option, especially since the 11th Plan provides for a computer in each NCLP district.

With a little computer training, the project staff may also use these PCs for tracking and monitoring. In the first year of the Plan period for each current NCLP district, or in the first year of operation for newly established NCLPs, a provision of Rs. 20,000/- for the capacity building of the personnel in this regard is recommended. The web-based monitoring and tracking software created by the UNICEF child protection program, the INDUS project, or depending on whatever is easiest and most effective, the Tamil Nadu government could be used for this. Trial runs and customization for this program are now underway.

The situation in India

Approximately 150 million children aged 5-14 are employed in different sectors in India, according to the UN Study. They are located labouring in roadside eateries, tea vendors, and stores, as well as within construction sites and factories. Girls experience severe labour exploitation, resulting in the premature death of millions of girls before they turn 15. They receive very low pay, as little as Rs.20 per day, and often reside in stores or businesses where they experience many types of exploitation. In addition to their job, they are subjected to physical, mental, and sexual assault by malicious supervisors.

Antisocial individuals are encouraging begging as a vocation, coercing minors into the act, which is banned in several Indian cities by local authorities. Mafia syndicates transport children to urban areas to beg. A child beggar, aged between five and ten years old, collects the most money. They can get a higher income with a burn scar or decapitation. As people age, their income diminishes. Consequently, they become prominent traders engaged in drug trafficking, theft, robbery, and prostitution as they mature. A kid beggar will receive only 10% of his daily earnings, which range

from Rs.300 to Rs.500. If he does not achieve the objective set by the contractor, he is severely punished. By the age of 13, the girls transition to engaging in prostitution.

The Indian government publicly agreed to the UN Convention on the Rights of the Child in 1992 and passed a number of laws to stop children from working. The Indian Labour Ministry has said that kids younger than 14 can't work as housekeepers in hotels. A fine of Rs. 20,000 and up to two years in jail are possible for people who hire children younger than 14 years old, according to this law. Under the Child Labour Act of 2002, India has made it illegal for children to work in dangerous jobs like making firecrackers, carpets, or glass. India has the second- largest number of children in the world, but it doesn't have a rule that covers all crimes against children. India needs to pass complete laws right away to protect children's rights.

Effects of Child Exploitation

Children who are forced to work are at risk of losing their physical and mental health and stunting their growth without being given the chance to get a good education, food, or a place to live. The four main types of child abuse are neglect, exploitation, mental abuse, and physical and sexual abuse. Child labour is one of the other three. Putting kids to work is taking advantage of them for money.

As a child's basic wants are not met, this is a specific type of exploitation called neglect. Physical, mental, and emotional problems can all be signs of neglect. Physical neglect includes not giving someone enough food, housing, or clothes, refusing medical help, and not keeping them clean. Not sending a child to school when they are old enough to go is called educational abuse. Emotional neglect is when someone doesn't give them any emotional support. This can include not getting them psychological help, letting them be exposed to domestic violence, or letting them use drugs.

A Child worker feels disconnected from their family, have low self-esteem, and are likely to do things that hurt themselves. It's likely that the person will have trouble growing psychologically and may show antisocial traits like lying and feeling a lot of worry.

The National Commission for Protection of Child Rights

The National Commission for the Protection of Child Rights (NCPCR) was set up in March 2007 to make sure that all laws, policies, programs, and administrative systems are in line with the UN Convention on the Rights of the Child and the Constitution of India's views on child rights. People all over the world think of childhood as a "golden age" full of innocence, freedom, joy, and play. Someone is called a "child" based on their age. People who are married and have kids will still be seen as children, even if they are under 18 years old.

Children's rights encompass a broad range of civil, cultural, economic, social, and political rights, and can be defined in multiple ways. Rights can generally be categorized into two types: those that support the idea of children being recognized as independent individuals under the law, and those that demand society to protect children from damage due to their dependence. These rights have been designated as the right of empowerment and the right of protection.

HISTORICAL CONTEXT

Evaluating the standard of child protection and care in primitive communities poses a challenging task. Children were considered a liability for tribes who constantly migrated or had insufficient food resources. However, in societies with a higher level of civilization or in situations when economic pressure is less severe, children were frequently esteemed and valued as a symbol of economic prestige. During the year 1751, there were neither established social norms or sufficient legal protections in place to ensure the well-being of youngsters who were employed. Dependent children sometimes resided in alms-houses, enduring highly unsuitable and harsh conditions. The factories, slums, and other working sites where children labored were discovered to have conditions that were both inhumane and unbearable, leading to a strong humanitarian outcry. Subsequently, the United States had to undertake extensive assessments of the societal circumstances affecting children and develop laws to control those harmful aspects.

The International Convention on Human Rights

Countries are organizing specific activities to commemorate the 22nd anniversary of the Convention on the Rights of the Child, which became effective on November 20, 1989. The treaty has been ratified by the largest number of countries worldwide, making it the most universally accepted

international agreement on human rights. All countries in the world, except for the United States and Somalia, have officially approved it. Before the Convention, the prevailing belief was that children should be observed but not allowed to express themselves. Now, after a span of 22 years, a group of children are expressing their opinions and making themselves known. However, many individuals still choose not to speak out, resulting in ongoing infringement of their fundamental rights.

There are many problems for children in their own countries. Children are mistreated when they are beaten, forced to work, or forced to beg. As the most widely ratified document, the UN Convention on the Rights of the Child was signed in 1989. Its main goal is to protect children's rights and includes rules for the environment, basic health care, education, leisure and cultural activities, as well as special safety measures for kids. It is thought that there are between 100 million and 150 million street children around the world, and this number is rising. Five to ten percent of these people had either run away or had been left by their families.

Children's human rights and education

In this paper, the researchers will focus on three significant areas where children's rights have been consistently and severely violated: education, child labor, and child trafficking. Literacy is a fundamental aspect of human capacity. The experiences of countries throughout have consistently demonstrated the significant role that education plays in both national development and the well-being of individuals and society. It is the initial stage in obtaining further learning resources. In addition to these benefits, it provides individuals with the knowledge necessary to make well-informed decisions, gives them the ability to resist oppressive forces, and allows them to assert their rights.

In addition, the Right to Education is not only a basic right, but also a right that gives people power. A big part of being able to stand up for and protect your rights is getting educated. It is also important for people to learn important skills they need to live a full life. Having access to education gives people the power to build the skills, abilities, and confidence they need to get other rights.

Education empowers individuals to acquire knowledge about their rights and the responsibilities of the government. It facilitates individuals in cultivating their communication abilities to assert these rights, the self-assurance to express themselves in diverse settings, and the aptitude to engage in

negotiations with a broad spectrum of government authorities and influential individuals.

Less than half of India's kids ages 6 to 14 go to school. A little more than 33% of students who start in grade one finish in grade eight. At least 35 million kids between the ages of 6 and 14 don't go to school, and about 53% of girls between the ages of 5 and 9 can't read or write. In India, only 53% of homes are near a basic school. Only 20% of the people can go to a high school.

Approximately 22% of the inhabited area has an upper primary school located at a distance of 3 km from the residential area.⁴ The statistics regarding the state of child education in India are deeply concerning. Despite the universal recognition of the right to education since the Universal Declaration of Human Rights in 1948 (and even earlier references by the ILO in the 1920s), this right has not been adequately fulfilled in India, despite its inclusion in international conventions, national constitutions, and development plans. The Indian Constitution has certain clauses that guarantee the availability of fundamental human rights to children in our country.

CONCLUSION

In their fight for freedom, Indians united around a single cause and learned how powerful peaceful public protest, or satyagraha, could be. Right now, India's economy is doing very well, but the country is still trying to find its place at the top of the world economy. A lot of young people in India, on the other hand, are having a hard time staying alive. There is legislation in place that protects and helps children stay alive and grow, as well as programmes that work to protect their rights. What is missing is a professional system for carrying out and keeping an eye on the present laws. It is important to face and change the harmful ideas that kids are less worthy than adults, girls are less worthy than boys, and some people are more moral than others if we want to make big steps towards ending the huge injustices that most Indian kids face. Without a question, a lot of progress has been made in the last few years to improve the rights of children in India. But the fact that some groups of children are consistently left out makes it harder for them to use their rights. To get as many people as possible to participate, Nutbrown and Clough (2009) say that as few people as possible should be left out. The progress is partly due to the need to reach the Millennium Development Goals and to pay more attention to children's rights on both the national and foreign levels. However, it is important to exercise caution when evaluating the long-term efficacy of these modifications, as they are being implemented within a context of unquestioned and unaltered detrimental conventional ideas and

practices.

India, being one of the largest democracies globally, frequently experiences the weight of its vast population. However, this burden has the potential to serve as a significant asset if the general populace is motivated to assume the dual obligations of advocating for children's rights raising awareness, and condemning any infringements. We witness a young girl dressed in rags navigating through the busy and disorderly traffic of India's city streets to sell fragrant jasmine flowers for a small amount of money, and we acknowledge the injustice when we witness a young servant boy being slapped for being late with a customer's chai order and we acknowledge the injustice; when we see the faces and lives behind each statistic and recognize them as representing the children in our vicinity, the servants in our household, the men who make soccer balls we carelessly kick and are motivated to halt and act as satyagraha, the majority of children in India will lack hope.

Children are one of the most vulnerable groups in our society. They are the tools that will last forever. The rights of a kid are just as important as those of an adult. Protecting children's rights is very important to make sure they live and have a better future. Children often don't have access to basic needs like clean water, good nutrition, or a safe place to live because they can't afford better ones. These things have an effect on a child's physical and mental growth as a whole. No matter what the child's legal situation is, it is important to give them a place to live that helps them grow and develop while also making sure they get the right care and legal protections. For children's growth and prospects, a brighter future is essential. This can be achieved by the government funding their well-being and protecting their rights. India works to protect children's rights by following several foreign, national, and state rules.

It was found in 2015 that India had the highest rate of child labour in a wide range of industrial areas. Agricultural work is the main business in India, and many young people start working early to help support their families. A lot of these kids have to work at a young age because their families are poor, have a lot of unemployed people living with them, or their parents didn't get enough schooling. Unfortunately, this is often the main reason why there are so many children working in India. Non-Governmental Organisations (NGOs) and a lot of Indian social scientists have done a lot of studies on the number about child labour in India. According to what they found, India is responsible for about a third of child labour in Asia and a quarter of child labour around the world. Because there were so

many children working, the Indian government took a lot of steps to reduce the number of children working and make sure that all children could grow and develop properly. The number of children working has dropped by 65 percent between 2001 and 2011. This is because tighter rules and legal limits on child labour were put in place. Even though there has been a big drop in India, there is still a lot of kid labour in rural areas. About 85% of child labour in India happens in rural areas and only 15% happens in cities. In other words, this shows that there are still big problems in the country.

The importance of children's rights should be emphasized as human rights that are specifically tailored to meet the needs, desires, and general welfare of children while considering their vulnerability, unique characteristics, and age-appropriate demands. The objective of children's rights is to consider the growth and progress of a kid, and many countries have legislation in place to protect the rights of school children. This study examines the level of knowledge and understanding of the RTE Act 2005, POCSO Act 2012, and JJ Act 2015 among 500 school children in classes 8 to 10. The author creates a questionnaire to collect information on these Acts from the students. The findings indicated that the school pupils had a higher level of familiarity with the JJ Act compared to the RTE and POCSO Acts.

Children are a valuable resource for the country. The future success of the country depends on how well its young people do in school and in life. The great author Milton said that a child shows us what kind of person we are in the same way that a sunrise shows us what day it is. The public has a responsibility to make sure that every child's personality grows in all areas. The younger group will soon be in charge of running and protecting the Society. The way our intuition, cultural history, beliefs, and thought processes get to us is through them. Children are great teachers, thinkers, judges, leaders, doctors, and many other things that will shape the future of society. Sadly, a huge number of kids are robbed of their youth and the right to go to school, which puts them at risk of being abused and neglected.

Millions of kids have been given the tools they need to live a good life and enjoy their childhood thanks to common society projects. Save the Children has built strong partnerships with international, national, and government organisations. This has made the cause for children's rights well-known and powerful. It is the job of the officials and the government to make sure that policies are followed, but each person must also do their part to stop child abuse and malnutrition. This cause needs to be cared

for and supported in every possible setting. The help that is given is very important in the ongoing fight against the problems that kids face.

All parties involved must work together to stop any form of child labour by using all the tools they have access to. It is important to set up an international network of non-governmental organisations (NGOs) that work in this area so that they can lobby different governments to stop child labour. International organisations that give money must set up a contact group in every country to help non-governmental organisations (NGOs) that are working to stop child labour. These groups should also find national projects that can be run openly, which would be good management.

Children are more likely to be hurt because their minds are still developing. Each person needs to be in a place that supports their growth and progress. The government has to make sure that all kids get the care and safety they need. Through the Constitution and many foreign laws, India tries to protect the rights of children. Even though many rules and laws have been put in place, there are still many problems. Children have been robbed of justice more than once. There are many long-lasting social problems, such as child labour, kidnapping, child marriage, and rape, to name a few. More strict rules and punishments should be used to make people less likely to break them. Because families can't live without their children, it is important to teach them about their rights to protect them and, in the end, improve their parenting.

In every community, kids are seen as very useful tools. The growth and progress of the country are important for its future well-being. Child says that the famous author Milton writes about people in a way that shows how the day changes in the morning. It is the responsibility of society to give each child complete care, which will help them grow as a person in all areas. Children are about to take on the role of leaders and torchbearers in society. These things give us knowledge, hold our cultural heritage, shape the way we think, and shape our philosophical beliefs. Along with respected teachers, scholars, judges, administrators, doctors, planners, engineers, and leaders, children play a key part in shaping the future. Unfortunately, a lot of kids don't have enough, which makes them easy targets for abuse and violates their right to be young and go to school. Inferences can be drawn from the above research that a large number of laws have been made in India. But the main worry that comes up is about how far they are being carried out.