

## AIR Spotlight - A World for Children

AIR Spotlight is an insightful program featured daily on the All India Radio Newsonair. In this program, many eminent panellists discuss issues of importance which can be quite helpful in [IAS exam](#) preparation. In this article, the topic of discussion is child rights.

### Participants:

1. Indevar Pandey, Secretary, Women & Child Development
2. Aditi Tandon, Journalist

### Context:

The article will discuss various aspects of child rights in India and across the world.

### Background:

- In the history of human rights across the world, the rights of children are by far the most ratified of all the rights.
- The [United Nations Convention on the Rights of the Child](#) defines child rights as the minimum entitlements and freedoms that should be afforded to every citizen below the age of 18 regardless of race, national origin, colour, gender, language, opinion, or origin.
- These rights broadly encompass the freedom of children, their civil rights, their family environment, necessary healthcare, welfare, and education.
- The UNCRC is the broad outline for the world and the countries with respect to child rights. It also outlines the fundamental human rights that should be afforded to children into four broad classifications that suitably cover civil, political, social, economic, cultural rights for every child. They are:
  - **Right to Survival:**
    - Right to be born
    - Right to minimum standards of food, shelter, and clothing
    - Right to live with dignity
    - Right to health care, to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy
  - **Right to Protection:**
    - Right to be protected from all sorts of violence
    - Right to be protected from neglect
    - Right to be protected from physical and sexual abuse
    - Right to be protected from dangerous drugs
  - **Right to Participation:**

- Right to freedom of opinion
- Right to freedom of expression
- Right to freedom of association
- Right to information
- Right to participate in any decision making that involves him/her directly or indirectly
- **Right to Development:**
  - Right to education
  - Right to learn
  - Right to relax and play
  - Right to all forms of development – emotional, mental, and physical

### **Constitutional Guarantees in India that are meant specifically for children include:**

- **Article 21 A:** [Right to free and compulsory elementary education](#) for all children in the 6-14 year age group.
- **Article 24:** Right to be protected from any hazardous employment till the age of 14 years.
- **Article 39 (e):** Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength.
- **Article 39 (f):** Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment.
- **Article 45:** Right to early childhood care and education to all children until they complete the age of six years.

### **Indian Acts to Protect Children:**

#### **Juvenile Justice (Care and protection of children) Act, 2015:**

The [Juvenile Justice Act](#) (JJ) pertains to provisions for children found in conflict with the law in India. It also gives provisions for children in need of care and protection.

- The Act amended in 2015 changed the nomenclature of ‘juvenile’ to ‘child’ and ‘child in conflict with the law’.
- The Act defines orphaned, surrendered, and abandoned children.
- The Act provides for an efficient and organized system for the adoption of orphaned, surrendered, and abandoned children.
- It also makes it compulsory for all child care institutions to be registered.
- An important provision of the amended Act is that it provides for minors in the age group 16 – 18 years to be treated as adults in the case of heinous crimes.
- The Act also gives the [Central Adoption Resource Authority \(CARA\)](#) statutory status.

- The Act distinguishes between children in conflict with the law and children in need of care and protection.

### **POCSO Act:**

- The Protection of Children from Sexual Offences (POCSO) Act, 2012 came into force with effect from 14 November 2012.
- The [POCSO Act, 2012](#) is a comprehensive law to provide for the protection of children from the offenses of sexual assault, sexual harassment, and pornography while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offenses through designated special courts.
- The POCSO Act was amended in 2019 in order to make it more effective in dealing with cases of child sex abuse in the country.
- Some of the important elements that were added in the new rules include the provision of mandatory police verification of staff in schools and care homes, procedures to report sexual abuse material (pornography), imparting age-appropriate child rights education among others.
- The amendments provide for more stringent punishments in case of child sex abuse. The government is also setting up 1,023 Fast Track Special Courts (FTSCs) including 389 exclusive POCSO courts for expeditious trial and disposal of cases related to rape and the POCSO Act. The victims also get aid from the government under various compensation schemes.
- Children have been exposed to cyber media during the Covid-19 pandemic to a greater extent and this is a worrying issue.
- For crackdown on child pornography, any person who has received any pornographic material involving a child or any information regarding such pornographic material shall report the contents to the Special Juvenile Police Unit (SJPU) or police, or the cybercrime portal. Under the rules, the state governments will have to formulate a child protection policy.

### **Changes brought by the new Juvenile Justice Act 2021:**

- **Certified person:** All persons working in child care institutions, children welfare committees, etc. have been good enough in handling children, not involved in any kind of criminal activity.
- **Foster care:** Juvenile Justice (Care and Protection of Children) Act, prescribes foster care as a measure for rehabilitation and social reintegration of children in need of care and protection instead of keeping the children for a long time in child care institutions.
- **Adoption:**
  - Earlier the adoption of children was a very complicated process and used to take a lot of time due to which the adoptions in India were very few in numbers.
  - The amendment gives increased powers and responsibilities to District Magistrates, which were being made to not only ensure speedy trials and increased protection of

children at the district level, with checks and balances in place but to also speed up the adoption processes in the country.

**Difference between the adoption process under the Hindu Adoption and Maintenance Act (HAMA) and the Central Adoption Research Authority (CARA) under the JJ Act:**

- Adoptions under the HAMA Act are limited only to Hindus, Sikhs, Jains, and Buddhists and the age of the child can not be more than 15 years. Under the JJ Act, there are no such restrictions, the child should be legally free that means the child does not have parents, he or she has been abandoned or the parents are missing or due to some reasons, the child has been surrendered to the child care institutions.
- Under the HAMA Act, if the person who is adopting a child already has a male child then he or she cannot adopt another male child.
- The number of adoption under the JJ Act is less than the numbers under the HAMA. But, there is no registration system to record the numbers of adoption under the HAMA while the JJ Act has the proper authority to deal with the number of adoptions.

**Legal framework:**

- The police verification in case of any kind of child abuse has been made mandatory.
- Registration of all child care institutions has been made mandatory so that the district magistrates can inspect these institutions at regular intervals.

**Conclusion:**

There is a need to intensify efforts for children's welfare at all levels to implement the rules and provisions of the Convention and contribute to creating a world suitable for children.

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