

	augmented by the Optional Protocol on the sale of children, child prostitution and child pornography. Article 36 (Other forms of exploitation): Children should be protected from any activity that takes advantage of them or could harm their welfare and development.	the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength; - 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.
09	Article 28 (Right to education): All children have the right to a primary education, which should be free.	Article 45: The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.
10	Article 24 (Health and health services): Children have the right to good quality healthcare – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy.	Article 47: The State shall regard the raising of the level of nutrition and standard of living of its people and the improvement of public health as among its primary duties. Article 243(G) read with Schedule XI: Provision for institutionalization of childcare and protection by seeking to entrust programmes of Women and Child Development and other ministries and central and state Governments to Panchayats (Entries 10, 11, 16, 19, 23, 24, 25, 26 & 27).

Provisions under the IPC :

Section	Description
315	Act done with intent to prevent child being born alive or to cause it to die after birth
316	Causing death of quick unborn child by act amounting to culpable homicide
360	Kidnapping for extortion
363A	Kidnapping for begging
366	Kidnapping to compel for marriage
366A	Procurement of minor girls by inducement or by force to seduce or have illicit intercourse
372	Selling of girls for prostitution
373	Buying of girls for prostitution
376	Rape

Role of the Duty Bearers:

A child has the right to be protected from neglect, exploitation, and abuse at home and elsewhere. The States are the principal duty bearers and are accountable for respecting, protecting and fulfilling children's rights within their territories. Apart from state, the other duty bearers like community, caregivers, parents, family members, teachers, doctors, social workers, NGO's, etc. play a significant role in the

fulfillment of children's rights. Each duty bearer should understand and assume their roles and responsibilities and should be accountable for protecting child rights. The child protection system should focus on core areas of child protection, social wellbeing and their security.

Urban & Rural Local authorities and community people can create awareness and change attitudes, traditions and practices which are harmful for children, for example child marriage, child labour, trafficking, female feticide, etc.



About NACG EVAC India:

National Action and Coordination Group for Ending Violence Against Children (NACG EVAC), India, is the Country level Civil Society Forum of South Asia Initiative to End Violence Against Children (SAIEVAC), an Inter-Governmental apex body of SAARC. It brings together NGOs, Networks, Coalitions, Media, Children Forums, Academia and other civil society bodies to promote interaction, networking, advocacy, sharing of good practices, and experience. NACG EVAC India is a country forum for collecting learning and sharing, advocacy and actions. It links country's action with wider effort of UN and international bodies. It has its operational areas at local, state & country level focusing on 5 critical thematic issues, i.e. Child Sexual Abuse and Exploitation, Child Trafficking, Child Labour, Child Marriage and Corporal Punishment, and 2 cross cutting issues, i.e. Child participation and Children with Disability. Its strength and effectiveness lie in nationwide membership and active community engagement.

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CHILD RIGHTS & INDIAN CONSTITUTION



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Indian Constitution and Child Rights: The Mandate

The Indian constitution accords rights to children as citizens of the country, and in keeping with their special status, the State has enacted several special laws. Moreover, India has ratified a range of international human rights instruments that have a bearing on its national legal provisions, programmes and policies. Government of India is signatory to several international instruments – UN Conventions and Covenants. While all human rights instruments are applicable to children and can be drawn upon whenever relevant, others have specific Sections or Articles dedicated to children.

State shall direct its policy towards ensuring “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.

Constitution of India; Article 39

What is UNCRC?

The Convention on the Rights of the Child (UNCRC), adopted in 1989, is dedicated solely to children, thereby making it the most powerful and comprehensive instrument available for them. It was ratified by India in 1992. This Convention looks upon children not merely as extensions or dependents of adults, but as human beings and rights-holders who can play an active part in the enjoyment of their rights. Owing to their particularly vulnerable position in the society, they need protection.

What is Child Right?

Right to Survival: It includes the child’s right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.

Right to Development: It includes the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.

Right to Protection: It ensures that children are safeguarded against all for

ms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; and protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

Right to Participation: Respect for the views of the children, Freedom of expression, Access to appropriate information, Freedom of thought, conscience & religion.

Why do Children need Rights?

- Children are particularly vulnerable to exploitation and abuse as compared to adults. Hence, they are more affected than any other age group by the actions and inaction of government and society.
- In most societies, including ours, views persist that children are their parents’ property, or are adults in the making, or are not yet ready to contribute to the society.
- Children are not seen as people who have a mind of their own, a view to express, the capacity to make a choice or an ability to decide.
- Instead of being guided by adults, their life decisions are taken by adults.
- Too often, their voices are not heard.

Legal Definition of a Child under Various Laws:



United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive, binding agreement on the rights of children that was adopted by the United Nations General Assembly in 1989. According to UNCRC, the definition of a child is, “A child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained”. In India, the definition of a child varies in the context of legal and constitutional provisions, which is given below:

Children’s Rights under Indian Constitution and UNCRC:

S. No	UNCRC	CONSTITUTION OF INDIA
01	Article 2 (Non-discrimination): The Convention applies to all children, irrespective of race, religion or abilities, whatever they think or say, or type of family they come from.	Article 15: The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them.
02	Article 4 (Protection of rights): Governments have a responsibility to take all available measures to make sure children’s rights are respected, protected and fulfilled.	Article 15 (3): Nothing in this article shall prevent the State from making any special provision for women and children.
03	Article 13 (Freedom of expression): Children have the right to get and share information, as long as the information is not damaging to them or others.	Article 19 (1)(a): All citizens shall have the right to freedom of speech and expression.
04	Article 6 (Survival and development): Children have the right to live. Governments should ensure that children survive and develop healthily.	Article 21: Protection of life and personal liberty- No person shall be deprived of his life or personal liberty except according to the procedure established by law.
05	Article 28 (Right to education): All children have the right to a primary education, which should be free.	Article 21A: Free and compulsory education for all children from 6 to 14 years.
06	Article 35 (Abduction, sale and trafficking): The government should take all measures possible to make sure that children are not abducted, sold or trafficked.	Article 23: Prohibition of trafficking of human beings and forced labour- (1) Trafficking in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
07	Article 32 (Child labour): The government should protect children from work that is dangerous or might harm their health or education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age.	Article 24: Prohibition of employment of children in factories, etc. -No child below the age of fourteen years shall be employed in any factory or mine or engaged in any other hazardous employment sector.
08	Article 34 (Sexual exploitation): Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is	Article 39: The state shall, in particular, direct its policy towards securing: - that the health and strength of workers, men and women, and