

BIBLIOGRAPHY

BIBLIOGRAPHY

Article 24 of the Indian Constitution' 13(4) lawyers Update (April 2007)

AIR 2003 SC 1088.

A Guide for District Administration for Implementation of Juvenile Justice Act, 2015 and POCSO Act, 2012; National Commission for Protection of Child Rights (NCPCR)

A. Bajpai, "Children Rights in India: Law, Policy and Practice" 02 IJOSW 630 (2003)

Abraham v. Mahatab, (1889) 16 Cal 487

Advani Dr. Purnima, Member, National Commission for Women, 2000

AIR 1982 SC 1943.

AIR 1983 SC 1473.

AIR 1984 SC 177.

AIR 1984 SC 802.

AIR 1997 SC 568 : (1997) 1 SCC 301.

AIR 1997 SC 699.

Ajit Raizada, 'reflection of sexual exploitation and abuse of children in India' 5(2) Madhya Pradesh Journal of Social science (2000)

Allen, C.M. (1991). Women and men who sexually abuse children, safer society press orwell, VT.

Amendment Act of 2019

Annual Report - Department of Tourism, Government of India, New Delhi (2012-13).

India Today - April 25, 2005.

Arun, N.K., Know the Colourful Rajasthan, Vidhya Bhawan, Jaipur, 1999.

Arunima Barua, *Child Abuse* (Reference Press, New Delhi, 2000)

As per NCRB Data; *Crime in India, Statistics 2019 Vol-1*; accessed at <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%201.pdf>

AveekSarkar v. State of West Bengal (2014) 4 SCC 257, para 24. Section 312 to 318 of Indian Penal Code

Bagley, C. & Ramsay, R. (1986). Sexual abuse in childhood: psychosocial outcomes and implications for social work practice. *Journal of social work & Human sexuality*.

Bajaj, Nawal. Child prostitution in south Mumbai: Experimenting with unorthodox methods of control, in *SVP National Academy Journal*, Vol.56 No.2: July-Dec 2004.

Bajpai, Asha. (2006). *Child Rights in India; Law, policy and practice*, Oxford University press, New Delhi. (page-207-276).

Bajpai, Asha. (2010). *The legislative and institutional frame work for protection of Children in India*, Institute for human development, UNICEF, India.

Balaji Pandey and Others. 2003. *Trafficking in Women in Orissa*: Institute for Socio-Economic Development, Bhubaneswar.

Baruah, A. (2003). *Child Abuse*. Reference press, New Delhi. (page-20).

Baruah, Arunima. (2002). *Crime against children*, Kalpaz Publication, Ashok vihar, New Delhi. (page-7).

Batria, puran. (1992). *sex and crime in India*, uppal publishing House, New Delhi.

Behere PB, Mulmule AN. Sexual abuse in women and anti-rape bill: Lesson to learn from success and failure. *Health Agenda*. 2013;1:27

Berthold, M., & Hand, D. J. (2011). *Intelligent data analysis: an introduction*. Springer.

Bhat, Aparna. 2003. *Supreme Court on Rape Trials*: Combat Law Publications (P) Ltd., New Delhi.

Bouman, Kaspar & Alford. (1998). The Child sex Abusers, Journal of society and correctional psychiatry.

Briggs, Freda. (1986). Child sexual abuse: confronting the problem, pitman publication, England.

Browne, A. and D. Finkelhor (1986). Impact of Child sexual Abuse A Review of the literature Psychological Bulletin,66-77.

Budin, L.E. & Johnson, C.F. (1989). Sex abuse prevention programs: offenders attitude about their efficacy child abuse & Neglect, 13,77-87.

Burgess, A. W. (1984). Child pornography & Sex rings, Lexington Books, Lexington.

Burgess, R. G. (1985). Field Methods in the Study of Education. Charles Cranston Jett. (2015). Field Studies. Outskirts Press.

Cantwell, H.B. (1988). Child Sexual abuse : Very young perpetrators, child Abuse and Neglect, 12, 579-83.

Carson, David . K, Foster, Jennifer, M. Chowdhury , Aparajita (2015). Child Sexual Abuse in India; understanding and impacting individuals, families and socio cultural systems, Lambert Academic Publishing, Latvia.

Chapter reports/Chapter%206_2011.pdf

Chatterjee, P. & Chakraborty, “Short and long-term problems faced by trafficked children: a qualitative study”, Social Science International, 167(2006).

Chattoraj, R. N & Saxena. R. (1990). Victimization of Children : An urgent need for effective measures, Social change, Vol 20,No – 3, 17-23.

Chaudhar, Renuka (2007). A study on child Abuse in India, Ministry of Women and Child Development, New Delhi.

Child labor (Prohibition and Regulation) Act 1986.

Child line available at: <http://www.childlineindia.org.in> (Visited on November 25, 2024)

Child Sexual Abuse. (2018). Medlineplus.gov; National Library of Medicine. <https://medlineplus.gov/childsexualabuse.html>

Childline India Foundation. 2003. Child Trafficking, Issues and Concerns. Department of Social Defence, Govt. of Tamil Nadu. 2003. A Reference Manual on Combating Trafficking in Tamil Nadu.

Children's Act 1960.

Code of Criminal Procedure, 1973

Commission for protection of Child Rights Act, 2005, Received the assent of the President and published in the Gazette of India on January 20, 2006., Preamble of the Act, Section 3 and section 17, Section 13, Section 25 of the Act, Section 26 of the Act
Convention on Rights of the Child, 1989.

Crl.M.A. no. 3071/2010, decided on 12 August 2014, Delhi High Court, Section 16.

Current Issues and Research" PS, 318 (2013)

D Rofus and Dr. Beulah, 'Child Abuse: An Overview', LVI (1) Indian Police Journal (Jan- Mar 2009)

D.K. Carson, J. M. Foster and N. Tripathi, "Child Sexual abuse in India: Current Issues and Research" 13 Psychological Studies, 318 (2013)

D.K. Carson, J. M. Foster and N. Tripathi, "Child Sexual abuse in India:

De Mause, in The History of Childhood(1974)

Deb, S. (2009). Child protection: Scenario in India. International Journal of child health and Human Development.

Deb, S. and A, Mukherjee. (2009). Impact of sexual Abuse on Mental Health of children, concept pub, New Delhi.

Deb, S. and A. Mukherjee., “Background and Adjustment Capacity of Sexually Abused Girls and their Perceptions on Intervention,” *Child Abuse Review*, 213 (2012).

Deb, S., & Walsh, K., “Impact of physical, psychological, and sexual violence on social adjustment of school children in India”, *10 School Psychology International*, 411 (2012).

Deb, S., “Child protection: scenario in India”, *07 International Journal of Child Health and Human Development*, 339 (2009)

Decoding POCSO Act- Recent Controversial Rulings & its Pitfalls Mohit Kumar Gupta| Corporate Law - Articles| Download PDF 26 Oct 2021, Read more at: https://taxguru.in/corporate-law/decoding-pocso-act-controversial-rulings-itfalls.html#google_vignette,

Deepti Shrivastava, ‘Child trafficking – A Human Rights Abuse’, *44 Indian Police Journal* 77 (2007).

Dhibnath Deb and Aparna Mukherjee, “Impact of Sexual Abuse on Personality Human Rights Watch, *Breaking the Silence: Child Sexual Abuse in India*. 2013. Feb, [cited 2021 Jan 14].

Dhikav, Vikas. (2003). *Sexual Deviations – The Paraphiela “The Hidden Aspects of Sex in India; AITBS publishers & distributors Krishna Nagar.*

Disposition of Girl Child” *35 Journal of the Indian Academy of Applied psychology* 125 (2009)

Durga Pada Das, ‘Some highlights on prevention of trafficking in Children and Protection of Child Rights in India’ *4 Criminal Law Journal* (Oct- Dec 2002)

Dr. Nilima Mehta, ‘Child Protection and Juvenile Justice System’ , Childline India Foundation, Mumbai, 2008

Dr. Savita Bharkhry ‘Children in India and their Rights’ National Human Rights Commission New Delhi 2000.

Dr. V.N. Shukla--- Constitution of India, p.27 (5thed.).

Dubar Goala v. Union of India, AIR 1952 Cal 496.

Durga Pada Das, 'Some highlights on prevention of trafficking in Children and Protection of Child Rights in India' 4 Criminal Law Journal (Oct- Dec 2002)

ECOSOC, UN. 2003. Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices.

ECPAT International.2000. Professional Policing: A Handbook for Better Police Investigation Technique to Combat Crimes against Children.

Educate School Children about Child Sexual Abuse A Study of Students in Chandigarh. (Sharma, 2022)

Engendering Law: Essays in Honour of Lotika Sarkar (Ed.), Eastern Book Company: Lucknow, 1999. p. 139

Faizan Mustafa, 'Sexual Abuse of Child in the family: An Emerging Trend', IV Kashmir University Law Review (1997)

Finkelhor D, Sexually Victimized Children, Free Press: New York, 1979.

For this purpose Parliament has enacted PNDT Act,1994(discussed later in this Chapter)

Freeman, Michael (1997). "Beyond conventions—towards empowerment". The Moral Status of Children: Essays

Ganesh Indira Maya, "when sexuality is Violence", Voices for Change: A Journal on Communication Development, Vol. 3 (1), April 1999. p. 50-52.

Gour Hari Singh, PENAL LAW OF INDIA, 10th Edition, Vol. 4, Law Publishers (India) Private Limited: Allahabad,1996. p. 3210

Gour, Mahendra (2008). The Child Abuse – A Reality. Alfa publication, New Delhi.

GourHari Singh, PENAL LAW OF INDIA, 10th Edition, Vol. 4, Law Publishers (India) Private Limited: Allahabad,1996. p. 3210

Govt. of A.P. v. J.B. Educational Society, (2005) 3 SCC 212 : AIR 2005 SC 2014.

Grootaert, Christiaan, and Harry Anthony Patrinos -'The Policy Analysis of Child Labor: A Comparative Study (St. Martin's Press,New York, 1999)

Grzyb, T., & Dolinski, D. (2021). The Field Study in Social Psychology. Routledge.

Srivastava, V. K. (2005). Methodology and fieldwork. Oxford University Press.

Gugnani, Rajneesh. (2008). Crime Against Children Cyber Tech publication, New Delhi.

Gupreet Pannu, 'Problem of Trafficking and Sexual exploitation of children: National and International Scenario' Punjab University law Journal (2007)

Gupta,M.C.,Chockalingam, K. & Roy, Guha. Jaytilak. (2001). Child victims of Crime: Problems and perspectives, Gyan publishing House, New Delhi. (page-111-162).

Harisingh Gaur; Penal law of India, vol 3, 11thed, Law publishers, Allahabad,1998 p: 1133

Handbook on managing Child Abuse' World Health Organization regional office for South East Asia, New Delhi, 2004.

Henry Campbell Black, Blacks law dictionary 24-25 (West Publishing Company,United States, 4th edn, 1971)

Hindu Minority and Guardianship Act, 1956

https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Chapter%206_2011.pdf

https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table

<https://thelogicalindian.com/crime/crimes-against-children-increased-24102>

Ibid, para 14

Indian Evidence Act,1872

Information Technology Act,2000

Inserted by Amendment Act of 2019

It is Constituted by State Government at every district under Section 4 Section 4(2),Section 47(4),Section 48,Section 49, ,Section 8 (3) (m),Section 18(3),Section 19(2),Section 20,Section 21,Section 14 (5) (d),Section 14 (5) (e),Section 14(5) (f),Section 27-30, Section 27,Section 31,Section 32,Section 33,Section 36,Section 27,Section 41,Section 53

J. Venkatesh, Illegitimate children entitled to ancestral property: Bench, The Hindu, April 8, 2011 <https://www.thehindu.com/news/national/Illegitimate-children-entitled-to-ancestral-property-Bench/article14674196.ece>

Jennifer E. Ladsford ‘The special problem of cultural differences in effects of Corporal punishment’, 73 Law and Contemporary problems (Spring,2010)

Jolly George Varghese v. Bank of Cochin, AIR 1980 SC 470 : (1980) 2 SCC360.

Juvenile Justice Act, 2015, Section 2 (d), Section 2(13), Section 2(14), Section 2(42), Section 2(60), Section 2(1), Section 2(33),Section 2(54),Section 2(45)

Kathleen.(1990).Child sexual abuse the search for healing, Routledge Publication, London.(page 56-97).

Krishnan, Sunita and Jose Verticattil, 2001, A Situation Report: Trafficking for Commercial Sexual Exploitation, India.

Krug EG, Dahlberg LL, Mercy JA, Zwi AB, Lozano R. World Report on Violence and Health. Geneva: World Health Organization; 2002. [cited 2021 Jan 12].

Kumari Ved, “Gender Analysis of Indian Penal Code’, in DhandaAmita and ParasharArchana, (Ed.).

Labour Laws :The Factory Act, 1948,Section 2 (c) of the Act,Section 27,Section 34,Section 67 of the Act,section 71 of the Act, Section 73,Section 79,

Lancaster, H. O. (2019). *The chi-squared distribution*. New York, Wiley. *Convention on Rights of the Child*, 1989.

Meerut Development Authority v. Assn. of Management Studies, (2009) 6 SCC 171.

Minimum Wages Act, 1948,

Ministry of women and Child Development, ‘Study on Child Abuse: India 2007, (Government of India, 2007). available at: wcd.nic.in/childabuse.pdf (Visited on 14th September, 2018).

Mohd.Sugalv. The King, AIR 1946 P.C. 3; *Lalwanti v. State*, AIR 1953 Pat 246; *Nirmal Kumar v. State of U.P.*, AIR1952 S.C. 1131.

Myron Weiner, “Child and the State in India: Child Labour and Education Policy in Comparative”. “Child Labour and Compulsory Education Policy”, Oxford University Press, New Delhi (1991).

Nair P.M – ‘Trafficking women and Children for sexual exploitation’ Handbook for law enforcement agencies in India Revised ed. 2007.

Nair P.M.2000, Gender-sensitive Procedures in the Investigation and Prosecution of Crimes against Children. *The Indian Police Journal*, Vol.XLVII, No.7.

National Ethical Guidelines for Biomedical Research Involving Children. Indian Council of Medical Research. 2017. [cited 2021 Jan 26]

Nilima Mehta, ‘Child Protection and Juvenile Justice System’ , Childline India Foundation, Mumbai, 2008

Offences under JJ Act, 2015: Probation of offenders Act, 1958,Section 56-73,Section 61 and 80,Chapter IX- Other Offences against Children(section 74-89)

OnkarNath v. Emperor, A.I.R. 1936 All 675

P. B. Behere, “Sexual abuse in women with special reference to children: Barriers, boundaries and beyond” 55 *Indian J Psychiatry*. 332 (2013)

P.D. Mathews, “Sexual abuse of the children and law” 42 *LNAV* 12 (1996).

Pande, Rama. Achyut. (2023). Sexual Abuse of Girl Children Some, hidden facts, Rawat publication, Jaipur.

Pannu, Gurpreet.K. (2017). Child sexual Abuse in India: Socio-Legal Study, Social Welfare, P-7-13.

Pathak SJ. Domestic violence – An insight into incest. Nirma Univ Law J. POCSO Act, Its Need and Relevance in India, By aman,<https://www.legalserviceindia.com/legal/article-7267-pocso-act-its-need-and-relevance-in-india.html>

Patil. V. Shivraj. (2005). Sexual Abuse and Children, Delhi Judicial Academy Journal, Vol-4, pp-18-22.

Paul, Valsamma. (2005). Sexual Abuse of Children Need for legislation, Indian Bar review, Vol. 32, P. 114.

Per Bhandari, J: Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1, at page 653.

POCSO Act – Providing Child-Friendly Judicial Process. Press information Bureau, Government of India. Accessed at <http://pib.nic.in/newsite/efeatures.aspx.?relid=86150>

POCSO Act: everything you need to know, Ritika Sharma, <https://blog.ipleaders.in/pocso-act-everything-you-need-to-know/>

Priyabadini, S. (2007). Child Abuse in Indian Families, Gyan Pub. House, Daryaganj New Delhi.

Progress Report, Department of Tourism, Government of Rajasthan, Jaipur

Protection of Children from Sexual Offences Act, 2012

Radha v. State of Rajasthan (1973) Raj LW 684

Raghubir v. State of Haryana, 1981 Cr. L.J. 1497 : A.I.R. 1981 S.C. 2037

Raj Bahaduar v. Legal Remembrance, AIR 1953 Cal. 522.

Raj Rani v. Prem Adbi, AIR 1949 Bom. 215

Rajasthan Tourism Development Corporation Limited, Annual Report and Accounts, 2013-14.

Rajasthan, “A La Carte”, Product Manual, 2000. Rajasthan Patrika, September, 2013.

Rajuvedi, V.P., “Tourism in India”, Yojana, Vol.46, Ministry of Information and Broadcasting, New Delhi, 2002.

Ram Hazur Pandey v. State, AIR 1959 All. 409

Rameshwar Kalyan Singh v. State of Rajasthan, AIR 1952 SC 54.

Rameshwar v. State of Rajasthan, AIR 1952 SC 54

Rameshwar Kalyan Singh v. State of Rajasthan, AIR 1952 SC 54.

Ranjit D. Udeshi v. State of Maharashtra; AIR 1965 SC 881

Ravi R. Crimes against children increased 4.5% in 2019: NCRB data. [updated 2020 Oct 1; cited 2021 Jan 25]

Ray A. 42% of Indian girls are sexually abused before 19: UNICEF. [Updated 2014 Sep 12; cited 2021 Jan 22].

Review Research paper, The problem of child sexual abuse in India : Laws, Legal lacuna and the bill – PSCOB – 2011 by Alok Kumar, Asha Pathak, Sandeep Kumar, Pooja Rastogi, Prateek Rastogi

SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

Sakshi, Child sexual abuse: Beyond fear and secrecy and shame, 17 (New Delhi, 1999)

Sameem Banu, M. S. (n.d.). Shodhganga@INFLIBNET: A gender perspective study on child abuse. Shodhganga@INFLIBNET: A Gender Perspective Study on Child Abuse. <http://hdl.handle.net/10603/152263>

Sanlaap, 1997, A Study on Child Prostitution in West Bengal: The Velvet Blouse, Kolkatta.

Sanlaap. 2002. A Handbook for Better Police Investigation Techniques to Combat Crimes against Children.

Save the Children and Tulir (2006): Abuse among Child Domestic Workers- A Research Study in West Bengal, and Save the Children (2005): Child Domestic Work: A Violation of Human Rights Assessment of Situation in Delhi City.

Savita Bharkhry 'Children in India and their Rights' National Human Rights Commission New Delhi 2000.

Section 11(iii) of the Act Section 11(i) of the Act Section 11(ii) of the Act Section 17 of the Act

Section 13 of the Act, see also Mohini v. Virendra, AIR 1977 SC 1359

Section 14(2), POCSO Act, 2012

Section 17, The Guardians and Wards Act, 1890

Section 19-23 of POCSO Act, 2012

Section 2(a) of the Act

Section 2(b) of the Act

Section 2(d) of the Act

Section 2(q) of the Act

Section 24 of the Act

Section 24-27, Section 24(1), Section 24(2), Section 24(3), Section 24(4), Section 24(5), Section 25 (1), Section 25 (2), Section 26 (1) Section 26 (2), Section 26 (3), Section 26 (4), Section 27 (1), Section 27 (3), Section 27 (4), Section 27 (2), Section 33-38, Section 33(1), Section 33 (9), Section 33 (2), Section 33 (3) and (4), Section 33(5), Section 33 (6), Section 33 (7), Section 33(8).

Section 24-27, Section 24(1), Section 24(2), Section 24(3), Section 24(4), Section 24(5), Section 25 (1), Section 25 (2), Section 26 (1) Section 26 (2), Section 26 (3), Section 26 (4), Section 27 (1), Section 27 (3), Section 27 (4), Section 27 (2), Section 33-38, Section 33(1), Section 33 (9), Section 33 (2), Section 33 (3) and (4), Section 33(5), Section 33 (6), Section 33 (7), Section 33(8).

Section 3 is substituted by Child Labour (Prohibition and Regulation) Amendment Act, 2016. Section 14(2A), Section 14B

Section 3 of the Act

Section 3 provides for qualifications for being engaged as an apprentice

Section 312 to 318 of Indian Penal Code

Section 3A of the Act after 2016 Amendment Section 14A

Section 40 of the Mines Act, 1952

Section 40(2) of the Act

Section 4-12, Section 3, Section 4, Section 5, Section 6, 2019 Amendment came into force from 16-08-2019, Section 7, Section 8, Section 10, Section 11, Section 12, Section 13-15 Act of 2012

Section 45 of the Mines Act, 1952

Section 6 of the Act

Section 8 of the Act

Section 9 of the Act

Sen, S & Nair P. M. (2005): Trafficking in Women and Children in India; Orient Longman Pvt. Ltd., New Delhi 6.

Sessions judge, tirunelveli, (1974) Cr. L.J. 261

Sexual Abuse Cases of Children Reported Online; Ministry of Women and Child Development; 22 SEP 2020 2:08PM by PIB Delhi accessed at

[tps://pib.gov.in/PressReleaseIframePage.aspx?PRID=1657679#:~:text=The%20number%20of%20child%20sexual%20abuse%20to%202018.09](https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1657679#:~:text=The%20number%20of%20child%20sexual%20abuse%20to%202018.09)

Sexual victimization of boys: Experience at an adolescent medicine clinic

Shankar Kisanrao Khade V. State of Maharashtra, (2013) 5 SCC 546 shared
Community Concern 18 (NCJRS, Washington DC, 1992)

Shankar Lal v. Vijai Shankar, AIR 1968 All.

Sharma, A. (2022, January 1). Shodhganga: Role of Mass Media Tools to Educate
School Children about Child Sexual Abuse A Study of Students in Chandigarh.
(Sharma, 2022)

Sharma, Gopinath, Rajasthan Ka Itihas, Shivalal Agarwal & Company, Agra, 1973

Sheela Barse v. Union of India, AIR 1986 SC 1773 : (1986) 3 SCC 596.

Shibnath Deb and Aparna Mukherjee, “Impact of Sexual Abuse on Personality
Disposition of Girl Child” 35 Journal of the Indian Academy of Applied psychology
125 (2009)

Shrinivas Gupta, ‘Rights of the child and child labor: A critical Study’ 37 JILI (1995)

Smt. Parayankandiyal Eravathkanapraavan Kalliani Amma & Ors.v. K. Devi

Study on Child Abuse: India 2007 by Ministry of Women and Child Development

Sunita Siwach, ‘Human Trafficking and its Causes and Prevention’ 43 Indian Police
Journal (July- Sept 2006)

Supra Note 13 at 56, and 9 at 43

The Apprentices Act, 1961

The Beedi & Cigar Workers (Conditions of Employment) Act, 1966 The Child
Labour (Regulation & Prohibition) Act, 1986

The Code of Criminal Procedure 1973

The Commission of protection of Child Rights Act 2005

The Constitution of India, 1983 AIR 130,1983 SCR (2) 165

The Constitution of India, AIR 1983 SC 130, 2007 2 GLR 10,AIR 2008 (NOC) 236 (Gau),AIR 1992 SC 1858,AIR 1992 SC 1858, (1993) 1 SCC 645

The Convention on the Elimination of All forms of Discrimination against Women, (CEDAW) 1979.

The Criminal Amendment Act 2013

The Factory Act 1948

The Guardians and Wards Act, 1890

The Hindu Adoptions And Maintenance Act, 1956, (2011) 11 SCC 1

The Hindu, Cuttack Eastern Edition, May 14, 2024, P East .3 The New Indian Express, Bhubaneswar, May 18, 2024

The Immoral Traffic (Prevention) Act, 1956

The Immoral Traffic Prevention Act, 1986

The Indian Penal Code, 1860

The Juvenile Justice (Care and Protection) Act 2000

The Mines Act, 1952

The new Indian express, Jaipur 4th May 2018. The Orissa post, Jaipur, May 7, 2018.

The New Indian express, Jaipur, May 11, 2022. The Times of India, Bhubaneswar, May 14, 2023. The Times of India, Jaipur, May 15, 2023.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.

The Pre-natal Diagnostic techniques (Regulation and Prevention of Misuse)Act 1994

The Prohibition of Child Marriage Act 2006

The Protection of children from sexual offences Act, 2012. (POCSO)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons,

The Right to Children to Free and Compulsory Education Act 2009

The Samaja , Bhubaneswar edition, April 26, 2018, P-4 The Times of India, Jaipur edition, April 27, 2018, P-4 The Times of India, Jaipur, April 30, 2018.

The Prenatal Diagnostic techniques (Regulation and Prevention of Misuse) Act 1994

Tirthas of Pre-Historic Rajasthan, Article by R.K. Tyagi, Shodhak, Vol.4 pt. B, Sr. II/1975

Tourism Marketing Strategy for Developing Nations, Charles L. Illvento and Ravi Karan, Marketology, 19, July - September, 1985. Times of India, June, 2013.

Tourism Policy prepared by the Government of Rajasthan.

trafficked children: a qualitative study”, Social Science International, 167(2006).

Train at a Glance by Indian Railways, July 2006 - June 2007.

U.S. Department of Justice, National Institute of Justice. Eyewitness Evidence: A Guide for Law Enforcement.

UNODC: A Toolkit to Combat Trafficking in Human Beings, 2006.

V.N. Shukla--- Constitution of India, p.27 (5thed.).

Virani, Pinki. ‘Child Sexual Abuse in India’ Butterworth Publication. welfare, 2002.

Women, (CEDAW) 1979.

Newspapers

The Times of India, 26 Sept, 2019). The Times of India, July 28, 2019).

The Times of India, Bhubaneswar, April 22, 2018, P.2 The Times of India, Jaipur, April 23, 2018, P.3

The Times of India, Bhubaneswar, April 22, 2018, P.2 The Times of India, Jaipur, April 23, 2018, P.3

The Times of India, Bhubaneswar, may 18, 2018 The Times of India, 20th Sept. 2019).

The Times of India, Jaipur, April 17, 2024, p-3. The Times of India, Jaipur, April 19, 2018, p-4

The Times of India, Jaipur, April 26, 2018, P-3

The Times of India, April 24, 2019)

The Times of India, BBSR, edition, July 2, 2019

Times of India, 19 April, 2016

REPORTS

Study on Child Abuse: India 2007, Ministry of Women and Child Development, 2007 Government of India.

World Report on Violence against Children, published by The United Nations, Secretary General's study on Violence against Children.

India Country Report 'Strengthening the legal protection frame- workfor girls in India, Bangladesh, Kenya and Liberia. Published by International Development Law Organization 2010.

Committee on Reforms of Criminal Justice system, Government of India, Ministry of Home affairs March 2003.

'Breaking the silence – Child Sexual Abuse in India' A report Published by Human Rights Watch, 2013.

Annual report, NCRB, 2016,2017,2018,2019 and 2020 Census of India, 2011

Frontline, India's national magazine, may 11, 2018

Human rights watch (2013). Breaking the silence child sexual abuse in India. [website: <http://www.hrw.org>], accessed on 19th October 2023.

Juvenile justice (care and protection) Act, 2023 POCSO Act, 2012.

Sishu Surakhya, quarterly newsletter, The juvenile justice committee, Odisha High Court, Volume-1, issue-2, October-December, 2017

Standards of care in Child care Institutions, Udayan Care, UNICEF, (2017), New Delhi, Website- www.udayancare.org.

Study on child abuse, 2007, ministry of woman and child development, government of India.

UNICEF Report. (2012). Sexual Violence against children in the Caribbean, Bridgetown, Barbados. (page-1-41)

UNICEF survey on demographic and health conducted in India from 2005 to 2013. United Nations Children's Fund (2015). Preventing and responding to child sexual abuse and exploitation, evidence review, UNICEF, New York.

UNICEF Report.(2016). Child Online Protection in India, New Delhi.(page-34-40)

UNICEF Report.(2017). A Familiar Face: Violence in the lives of children and adolescents, New York. (page-6-15)

United Nations children's fund.(2024). Action to end child sexual abuse and exploitation, UNICEF, New York.

Working of Juvenile justice system in Odisha,(2015), Policy paper-1, centre for child rights, National Law university, Odisha.

WHO consultation on child abuse prevention, 1999.

'National Strategy document on Prevention of Child marriage' A report published by Ministry of Women and Child Development, 2013.

'Child Sexual Abuse and Commercial sexual Exploitation of Children in the Pacific: A Regional Report Published by UNICEF, UNESCO and ECPAT, 2006.

'India's Hell Holes: Child Sexual Assault in Juvenile Justice Homes' Published by Asian Centre for Human Rights, March 2013.

Report on the status of action against Commercial exploitation of India, published by ECPAT International, 2006.

‘The National strategy for child exploitation prevention and interdiction’ A report to Congress, August 2010.

WEBLIOGRAPHY:

<https://www.rajras.in/rajasthan/>

<https://foundation.rajasthan.gov.in/Geography.aspx>

https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Chapter%206_2011.pdf

<https://www.mha.gov.in/en/divisionofmha/women-safety-division/crime-against-children>

What are the loopholes of POCSO Act? Law Notes, December 4, 2022, <https://lawnotes.co/tag/what-are-the-loopholes-of-posco-act/http://www.childtrafficking.com>

<http://www.india.gov.in>

<http://www.bernardvanleer.org>

<http://ssrn.com/abstract>

<http://www.jagranjosh.com>

http://ncpcr.go.in/Acts/Abolition_of_Bonded_Labour_System_Act_1976.pdf, visited on 11th February, 2024.

<http://www.aulir.org/pdf/25/25-1-4.pdf>, Visited on 21st January 2023.

<http://www.indiatogether.org/2004/dec/chi-abuse.htm>, visited on 11th June, 2024.

<http://www.wcd.nic.in> visited on 23 March 2024.

<http://ncpcr.gov.in/> (accessed on 04/05/2024) <http://wcd.nic.in/childabuse.pdf>

(accessed on 04/05/2024) <http://www.childlineindia.org.in/> (accessed on 14/05/2024)

<http://www.childwelfare.gov/> (accessed on 15/05/2024) <http://www.jaagore.com>

(accessed on 10/06/2024) <http://www.unicef.org> (accessed on 14/06/2023)

<http://en.m.wikipedia.org>>wiki?child. (Accessed on 01/07//2024)

<http://www.dailypioneer.com> (accessed on 14/07//2023) <http://www.crin.org>.

(accessed on 17/07//2024)

New Indian express.com, published 15th Dec. /2024) [https:// sambadenglish.com](https://sambadenglish.com), updated July 26, 2022)

<https://www.thehindu.com>, Aug. 2023) <http://www.oscpcr.nic.in> (accessed on

11/08/2023) <http://eodishasamachar.com>(accessed on 14/03/2023)

<http://www.telegraphindia.com> (accessed on 14/03/2023) <http://orissadiary.com>

(accessed on 23/03/2023) www.bbc.com?news>world.a... (accessed on 19/05/2024)

<http://www.hindustantimes.com>>...(accessed on 29/05/2024)

<http://www.researchgate.net>>publication(accessed on 14/06/2024)

<http://www.secasa.com.au>>page>then... (accessed on 20/06/2024)

<http://www.worldjournals.com>>au... (accessed on 14/07/2024)

<http://www.ncbi.nlm.nih>. Gov.(accessed on 13/08/2024)

<http://www.who.int/topics/child.abuse> (accessed on 14/08/2024)

<http://www.odishasuntimes.com>(accessed on 14/08/2024)

<http://www.odishapolice.com> (accessed on 18/08/2024) [http://www.times of](http://www.timesofindia.indiatimes.com)

india.indiatimes.com (accessed on 1/10/2024)

(<https://kalingatv.com>)

(<https://www.newinidaexpress.com>), published 19th Aug. 2023)

(<https://www.newinidanexpress.com>, 22nd July, 2023) ([https://times of](https://timesofindia.indiatimes.com)

india.indiatimes.com), January 21, 2022 (Odishabytes.com,

<https://www.newindianexpress.com>) ([https:// sambadenglish.com](https://sambadenglish.com)) (Argus news.in)

[https:// kalingatv.com](https://kalingatv.com)), December 05 2023

(<http://newsliveodisha.in>).December 12 2023

<https://scroll.in> updated December 03, 2023 (<https://www.prameyanews.com>)
<https://sambadenglish.com>), April, 21, 2023

([https:// Kalingatv.com](https://Kalingatv.com), 27, July 2019)

Hindustantimes.com, updated may 11, 2023 (The times of India, Aug 20, 2023

<https://www.hindustantimes.com>,13th April, 2024

Samadenglish.com,updated Dec 17, 2024 [https://m. times of india.com](https://m.timesofindia.com), Feb-4, 2024

[https:// www.hindistantimes.com](https://www.hindistantimes.com), updated Feb23, 2024

<https://www.punjabnewsexpress.com>) <https://www.telegraphinida.com>, published
 02/08/2023

,<http://timesofindia.com>) , updated Feb 2, 2024

(Thequint.com), Updated 17 Sept. 2024

(<https://www.business.standard.com>), updated Dec. 18, 2023

([https:// www.business.standard.com](https://www.business.standard.com),updated February 11, 2023)

([https:// www.newindianexpress.com](https://www.newindianexpress.com), 24th Jan, 2023)

(<http://www.hindustantimes.com>, Feb 13, 2023 (The New Indian express, BBSR, 4th
 May, 2023).

<https://m.timesofindia.com/city/Bhubaneswar/children> (accessed on 1st April 2023)

<https://www.childlineindia.org>.

<http://sakhi.gov.in> (one stop center scheme-2017, ministry of women of child
 development. government of India).

<https://en.m.wikipedia.org> (accessed on 2nd April 2024)

PLAGIARISM REPORT

SEXUAL ABUSE OF CHILDREN IN INDIA: A STUDY OF CHILD PROTECTION LAWS WITH SPECIAL REFERENCE TO SOUTHERN RAJASTHAN

by DHRUVAL SHAH

Submission date: 05-Oct-2024 10:35AM (UTC+0530)

Submission ID: 2475651639

File name: PROTECTION_LAWS_WITH_SPECIAL_REFERENCE_TO_SOUTHERN_RAJASTHAN.pdf (4.85M)

Word count: 74331

Character count: 406488

SEXUAL ABUSE OF CHILDREN IN INDIA: A STUDY OF CHILD PROTECTION LAWS WITH SPECIAL REFERENCE TO SOUTHERN RAJASTHAN

ORIGINALITY REPORT

7%

SIMILARITY INDEX

6%

INTERNET SOURCES

4%

PUBLICATIONS

3%

STUDENT PAPERS

PRIMARY SOURCES

1	zombiedoc.com Internet Source	1%
2	Mathew, Lina Acca. "Legislative models of prosecuting child sexual abuse in India: A review and critical analysis", Queensland University of Technology, 2017 Internet Source	<1%
3	ebin.pub Internet Source	<1%
4	"Child Safety, Welfare and Well-being", Springer Science and Business Media LLC, 2022 Publication	<1%
5	Atul Jaybhaye. "Revisiting Juvenile Justice in India - A Study on Juvenile Justice (Care and Protection of Children) Act, 2015", Routledge, 2023 Publication	<1%

103	P Raynor, M C J Rudolf. "What do we know about children who fail to thrive?", Child: Care, Health and Development, 2006 Publication	<1 %
104	supp.apa.org Internet Source	<1 %
105	Submitted to Herkimer County Community College Student Paper	<1 %
106	Phil Bates. "Family Law Statutes", Routledge, 2012 Publication	<1 %
107	www.youthkiawaaz.com Internet Source	<1 %

Exclude quotes On
Exclude bibliography On

Exclude matches < 14 words

QUESTIONNAIRE

**Voices Against Child Sexual Abuse: Police Opinion Survey/ बाल यौन शोषण
के खिलाफ आवाजें: पुलिस राय सर्वेक्षण(केवल पुलिस के लिए)**

QUESTIONNAIRE FOR POLICE / पुलिस के लिए प्रश्नावली

सदस्यों,

महत्वपूर्ण कानूनी ढांचे के बारे में जागरूकता और समझ को बढ़ावा देने की हमारी प्रतिबद्धता के हिस्से के रूप में, मैं आपको हमारे POCSO अधिनियम जागरूकता सर्वेक्षण में भाग लेने के लिए आमंत्रित करते हूँ। यौन अपराधों से बच्चों का संरक्षण (POCSO) अधिनियम हमारे समाज में बच्चों के अधिकारों और कल्याण की सुरक्षा के लिए बनाया गया एक महत्वपूर्ण विधायी उपाय है। आपकी भागीदारी एक ऐसे समाज के निर्माण की दिशा में एक महत्वपूर्ण कदम है। मैं आपके समय और विचारशील प्रतिक्रियाओं की ईमानदारी की सरहना करता हूँ।

Data from Police Officials/ पुलिस अधिकारियों से प्राप्त आंकड़े

(Police Station Name) / Optional

1. Name

.....

2. Do you believe that there is sufficient training for police officers in handling child abuse cases? / क्या आप मानते हैं कि बाल उत्पीड़न के मामलों से निपटने के लिए पुलिस अधिकारियों को पर्याप्त प्रशिक्षण दिया जाता है?

- a) Yes, there is sufficient training
- b) Yes, but it could be improved
- c) No, there is not enough training
- d) I am unsure

3. How satisfied are you with the responsiveness of the police when it comes to investigating child abuse cases?/ बाल उत्पीड़न के मामलों की जांच के मामले में पुलिस की प्रतिक्रिया से आप कितने संतुष्ट हैं?

- a) Very satisfied
- b) Somewhat satisfied
- c) Not very satisfied
- d) Not satisfied at all

4. In your opinion, should there be increased collaboration between the police and other child welfare organizations in handling child abuse cases?/ आपकी राय में, क्या बाल दुर्व्यवहार के मामलों से निपटने में पुलिस और अन्य बाल कल्याण संगठनों के बीच सहयोग बढ़ाया जाना चाहिए?
- Yes, collaboration should be increased
 - Collaboration is sufficient
 - I am unsure
 - No, collaboration is not necessary
5. How many cases of child abuse were registered in your police station from 2013 to 2024?/ 2013 से 2024 तक आपके पुलिस स्टेशन में बाल शोषण के कितने मामले दर्ज हुए?
-
6. What percentage of cases were resolved from 2013 to 2024? 2013 से 2024 तक कितने प्रतिशत मामले सुलझाए गए?
-

QUESTIONNAIRE FOR ADVOCATE/ COURT

अधिवक्ता /अदालत के लिए प्रश्नावली

**“Empowering Communities: A Survey on Child Sexual Abuse by
Advocates”**

Name :

Data from Advocate/ Court

प्रिय प्रतिभागियों/समुदाय सदस्यों,

महत्वपूर्ण कानूनी ढांचे के बारे में जागरूकता और समझ को बढ़ावा देने की हमारी प्रतिबद्धता के हिस्से के रूप में, मैं आपको हमारे POCSO अधिनियम जागरूकता सर्वेक्षण में भाग लेने के लिए आमंत्रित करते हूँ। यौन अपराधों से बच्चों का संरक्षण (POCSO) अधिनियम हमारे समाज में बच्चों के अधिकारों और कल्याण की सुरक्षा के लिए बनाया गया एक महत्वपूर्ण विधायी उपाय है। आपकी भागीदारी एक ऐसे समाज के निर्माण की दिशा में एक महत्वपूर्ण कदम है। मैं आपके समय और विचारशील प्रतिक्रियाओं की ईमानदारी की सरहना करता हूँ।

इस महत्वपूर्ण प्रयास का हिस्सा बनने के लिए धन्यवाद।

1. How many cases of child abuse were deal by advocate from the year 2013-2023?

.....

2. How many cases of child abuse is disposed of by you?

.....

3. Have you ever encountered a situation where you suspected an advocate of being involved in child abuse, and if so, did you report it?

- a) Yes, I reported the suspicion.
b) Yes, but I did not report it.
c) No, I have not encountered such a situation

4. In your opinion, how transparent is the legal profession in handling cases of child abuse involving advocates?

- a) Very transparent
- b) Somewhat transparent
- c) Not very transparent
- d) Not transparent at all

QUESTIONNAIRE FOR PARENTS/ माता-पिता के लिए प्रश्नावली

प्रिय प्रतिभागियों/समुदाय सदस्यों,

महत्वपूर्ण कानूनी ढांचे के बारे में जागरूकता और समझ को बढ़ावा देने की हमारी प्रतिबद्धता के हिस्से के रूप में, मैं आपको हमारे POCSO अधिनियम जागरूकता सर्वेक्षण में भाग लेने के लिए आमंत्रित करते हूँ। यौन अपराधों से बच्चों का संरक्षण (POCSO) अधिनियम हमारे समाज में बच्चों के अधिकारों और कल्याण की सुरक्षा के लिए बनाया गया एक महत्वपूर्ण विधायी उपाय है। आपकी भागीदारी एक ऐसे समाज के निर्माण की दिशा में एक महत्वपूर्ण कदम है। मैं आपके समय और विचारशील प्रतिक्रियाओं की ईमानदारी की सरहना करता हूँ।

इस महत्वपूर्ण प्रयास का हिस्सा बनने के लिए धन्यवाद।

प्रतिवादी का नाम (**गुप्त रखा जाएगा)

.....

1. बाल यौन शोषण के संबंध में आपकी जागरूकता का स्तर क्या है?
 - a) Very aware - बहुत जागरूक
 - b) Somewhat aware - कुछ हद तक जागरूक
 - c) Not very aware बहुत जागरूक नहीं
 - d) Not aware at - all बिल्कुल पता नहीं

2. Have you ever received information or education about preventing child sexual abuse? क्या आपको कभी बाल यौन शोषण को रोकने के बारे में जानकारी या शिक्षा प्राप्त हुई है?
 - a) Yes, through school programme - हाँ, स्कूल कार्यक्रम के माध्यम से
 - b) Yes, through community programme - हाँ, सामुदायिक कार्यक्रम के माध्यम से
 - c) Yes, through online resources - हाँ, ऑनलाइन संसाधनों के माध्यम से
 - d) No, I have not received any information - नहीं, मुझे कोई सूचना नहीं मिली है

3. Do you believe that your community takes sufficient measures to prevent child sexual abuse? क्या आप मानते हैं कि आपका समुदाय बाल यौन शोषण को रोकने के लिए पर्याप्त उपाय करता है?
 - a) Yes, very sufficient - हाँ, बहुत पर्याप्त है
 - b) Yes, somewhat sufficient - हाँ, कुछ हद तक पर्याप्त
 - c) No, not very sufficient - नहीं, बहुत पर्याप्त नहीं है
 - d) No, not sufficient at all - नहीं, बिल्कुल भी पर्याप्त नहीं है

4. If you suspected or knew of a child being sexually abused, would you know how to report it to the appropriate authorities? यदि आपको संदेह है या आप जानते हैं कि किसी बच्चे के साथ यौन दुर्यवहार किया जा रहा है, तो क्या आप जानते हैं कि उचित अधिकारियों को इसकी रिपोर्ट कैसे करें?
 - a) Yes, I am confident in knowing how to report - हाँ, मुझे यह जानने का भरोसा है कि रिपोर्ट कैसे करनी है

- b) Yes, but I am not very confident - हाँ, लेकिन मैं बहुत आश्वस्त नहीं हूँ
- c) No, I am not sure how to report - नहीं, मुझे नहीं पता कि कैसे रिपोर्ट करूँ
- d) No, I would not know how to report - नहीं, मुझे नहीं पता कि कैसे रिपोर्ट करूँ
5. Are you aware of any POCSO Act dealing with child abuse? क्या आप बाल शोषण से संबंधित किसी POCSO अधिनियम के बारे में जानते हैं?
- a) Yes, and I am familiar with the Act - हाँ, और मैं इस अधिनियम से परिचित हूँ
- b) Yes, but I am not familiar with the Act - हाँ, लेकिन मैं इस अधिनियम से परिचित नहीं हूँ
- c) No, I am not aware of any Act - नहीं, मुझे किसी एक्ट की जानकारी नहीं है
6. Do you think Family Violence Effect child sexual abuse? क्या आपको लगता है कि पारिवारिक हिंसा का प्रभाव बाल यौन शोषण पर पड़ता है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
7. Do you think Lack of proper implementation of laws is the cause of increasing child sexual abuse cases in India? क्या आपको लगता है कि भारत में बाल यौन शोषण के बढ़ते मामलों का कारण कानूनों का उचित कार्यान्वयन न होना है?
- a) Yes - हाँ
- b) not sure - निश्चित नहीं
- c) no - नहीं
8. Do you think POCSO Act 2012 have some loopholes and it is misused for unfair advantages? क्या आपको लगता है कि POCSO अधिनियम 2012 में कुछ खामियां हैं और अनुचित लाभ के लिए इसका दुरुपयोग किया जाता है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
9. Is Child Marriage is also the reason of child sexual abuse? क्या बाल विवाह भी बाल यौन शोषण का कारण है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
10. Do you think today's Cinema is also equally responsible to increase child sexual abuse? क्या आपको लगता है कि आज का सिनेमा भी बाल यौन शोषण को बढ़ाने के लिए उतना ही ज़िम्मेदार है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं
11. Do you think poverty is also the reason of child sexual abuse? क्या आपको लगता है कि गरीबी भी बाल यौन शोषण का कारण है?
- a) Yes - हाँ
- b) Not sure - निश्चित नहीं
- c) No - नहीं

12. Do you think every kid who is depressed is going through child abuse? क्या आपको लगता है कि अवसादग्रस्त हर बच्चा बाल शोषण से गुजर रहा है?
- Yes - हां
 - Not sure - निश्चित नहीं
 - No - नहीं
13. Do you think compensation to be given to the accused person if he is implicated in a false case? क्या आपको लगता है कि झूठे मामले में फंसाए जाने पर आरोपी व्यक्ति को मुआवजा दिया जाना चाहिए?
- Yes - हां
 - Not sure - निश्चित नहीं
 - No - नहीं
14. Do you think POCSO ACT 2012 addresses the sexual abuse cases against children in Southern Rajasthan? क्या आपको लगता है कि POCSO अधिनियम 2012 दक्षिणी राजस्थान में बच्चों के खिलाफ यौन शोषण के मामलों को संबोधित करता है?
- Yes - हां
 - Not sure - निश्चित नहीं
 - No - नहीं
15. Do you think child should also be punished for giving false information or false complaint? क्या आपको लगता है कि गलत जानकारी या झूठी शिकायत देने पर बच्चे को भी सजा दी जानी चाहिए?
- Yes - हां
 - Not sure - निश्चित नहीं
 - No - नहीं

PUBLICATIONS



National Seminar

On

Social Transformation through Human Rights and Criminal Laws in India (International Law Perspectives)

Organized By

Faculty of Law, Jai Narain Vyas University, Jodhpur (Raj.) - IQAC

21-22 February, 2024

Certificate

This is to certify that Prof./Dr./Mr./Ms. *Dhruval Shah*
Designation *Research Scholar* University/College/Institution *Pacific School of Law,
Pahar University* has participated/presented Paper/Chaired/Co-chaired a session entitled
Exploring India's Child - Related Legislation :
A Comprehensive Guide
in the National Seminar.

Dr. K.R. Meghwal
Director

Dr. Renu Parmar
Organizing Secretary

Prof. (Dr.) Sunil Asopa
Dean, Faculty of Law



PACIFIC ACADEMY OF HIGHER EDUCATION & RESEARCH UNIVERSITY, UDAIPUR
PACIFIC SCHOOL OF LAW IN COLLABORATION WITH CHILD WELFARE COMMITTEE, UDAIPUR

**MULTIDISCIPLINARY INTERNATIONAL CONFERENCE ON
CHILD RIGHTS AND CHILD PROTECTION ISSUES AND CHALLENGES**

CERTIFICATE OF PRESENTATION

This is to certify that Prof./Dr./Ms./Mr. *Dhruval Shah, Research Scholar*
from *PAHER University, Udaipur* has presented the paper titled
A Comprehensive Guide to Child-Related legislations in India
in the two days Multidisciplinary International Conference on "Child Rights and Child Protection: Issues and Challenges" held on
25th and 26th August 2023, organised by Pacific School of Law, PAHER University and Child Welfare Committee at Pacific School of
Law, Pacific Academy of Higher Education And Research University, Udaipur.

Prof. K.K. Dave
President
PAHER University, Udaipur

Dr. Pushpa Mehdoo
Organizing Secretary
Pacific School of Law

Dr. Ratna Sisodiya
Convener
Pacific School of Law

Dr. Sangeeta Rao
Member
Child Welfare Committee

A COMPREHENSIVE GUIDE TO CHILD-RELATED LEGISLATION IN INDIA

Abstract

Child-related legislation in India is of paramount importance in safeguarding the rights and well-being of children. This comprehensive research paper aims to provide an in-depth overview of the key laws and acts that have been enacted in order to ensure the well-being, development, and protection of children within the country. The paper will explore the various legislative measures that have been put in place to safeguard the rights and interests of children, with a particular focus on their physical, emotional, and social welfare. By examining the evolution and impact of these laws and acts, this research paper seeks to shed light on the progress made in promoting and safeguarding the rights of children, as well as identify any gaps or challenges that may still exist in the current legal framework. Through a systematic analysis of relevant legislation, this research paper aims to contribute to the existing body of knowledge on child protection and serve as a valuable resource for policymakers, researchers, and practitioners working in the field of child welfare. This comprehensive guide provides an in-depth analysis of diverse facets pertaining to legislation concerning children.

Keywords: Child Legislations, Child laws, Children Rights, POCSO

Introduction

Research paper comprises a wide range of topics, such as constitutional provisions, educational acts, and measures to safeguard against abuse and exploitation, juvenile justice, and specialize protection for vulnerable groups. This statement further underscores the significance of child participation, the right to development, identity rights, and the role of commissions dedicated to child protection. Moreover, the guide places a strong emphasis on the importance of breastfeeding and the regulation of infant milk substitutes. The comprehension of these laws and acts holds paramount importance for individuals, organizations, and the government in their endeavor to foster and maintain the rights of children, while concurrently establishing a secure and nurturing milieu conducive to their development and overall welfare.

Question of Research

What is a complete guide to child-related legislation in India, containing an overview of the important laws and acts aimed at protecting children's rights and welfare?

Methods of Research

The following Methods are followed to gather relevant information and to analyze the subject matter effectively:

Dhruval Shah
Research Scholar
Pacific University, Udaipur

**Dr. Pushpa
Mehdoo**
Principal
Pacific School of Law
PAHER University

01. Literature Review
02. Legal Document Analysis
03. Case Studies
04. Legal Framework Evaluation

Definition of Child

Different legislation regards age to be the primary criterion for designating a kid. Among the key meanings of the word "child" in different international and local regulations are:

- The word 'Child' is defined in the 1989 Convention on the Rights of the Child as "[...] any human being under the age of eighteen years, unless majority is attained earlier under the law applicable to the child."
- Article 2 of the 1999 International Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor defines child as "all persons under the age of 18."
- Section 2(aa) of the Immoral Traffic (Prevention) Act, 1956 defines "child" as "any person under the age of sixteen."
- Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015 defines "child" as "any person under the age of eighteen."
- Section 2(a) of the Prohibition of Child Marriage Act, 2006 defines "child" as "a person who has not completed twenty-one years of age, if a male, and eighteen years of age, if a female."
- According to Section 2© of the Factories Act of 1948, "child" denotes "a person who has not completed his fifteenth year of age."
- According to Section 2(d) of the Protection of Children from Sexual Offences Act of 2012, "Child" implies "any person under the age of eighteen."

However, it is worth noting that in most legislation, the age of 18 years is used as a criterion for classifying a person as a kid; hence, for the purposes of this research, the definition of child is based on the Protection of Children from Sexual Offences Act, 2012.

A Comprehensive Guide - Child Related Legislation in India

The term "child-related legislation" refers to a wide variety of laws and actions that have been passed in India with the intention of protecting the rights and welfare of children. The following is an all-encompassing overview to the legal framework in India pertaining to children, with subheadings on individual acts and laws: 1. The Constitution of India includes the following provisions:¹

- A. Article 15(3) allows for the creation of specific measures for the protection of children.
- B. Article 21A ensures that all children between the ages of 6 to 14 have the legal right to receive an education that is both free and mandatory.²

1. The Juvenile Justice (Care and Protection of Children) Act, 2015 does the following:³

- a. It establishes a comprehensive framework for the care, protection, and rehabilitation of children who are in conflict with the law and children who are in need of care and protection; this includes both children who have broken the law and children who are in need of care and protection.⁴
- b. Creates committees to address matters involving children by establishing juvenile justice boards and child welfare committees.

Down side of the Legislation

- A. **Age Determination** : The Act classifies all

1 CLA's Constitution Law of India by Dr JN Pandey

2 Pathak, J. (March 9, 2012). An Analytical Study on Rights of Children and the Constitution of India. Assam.

3 The Juvenile Justice (Care and Protection of Children) Act, 2015.

4 Avinash De Sousa, S. S. (Volume-3, Issue-9, Sept-2014 • ISSN No 2277 - 8160). The Protection of Children From Sexual Offences Act 2012.

under-18s as minors, regardless of maturity or mental ability. In circumstances of major and egregious crimes, there have been requests to decrease the age restriction for classifying criminals as adults.

- B. Inadequate Rehabilitation and Reintegration:** The Act stresses the rehabilitation and reintegration of children in conflict with the law, however there are worries about the lack of infrastructure, resources, and programs to do so. Counselling, skill development, and education programs for these children's reintegration are few.
- C. Overburdened Juvenile Justice System:** The Act assigns matters involving children in dispute with the law to Juvenile Justice Boards and Child Welfare Committees. However, heavy caseloads, poor personnel, and limited resources can delay justice and child care in these facilities.
- D. Lack of Standardization:** Different Indian states execute the Act differently. The Act's interpretation and execution vary, resulting in inconsistent treatment of children in conflict with the law and in need of care and protection.
- E. Insufficient Focus on Prevention:** The Act largely addresses the repercussions of children breaking the law, although preventative measures and early intervention programs are needed to lower juvenile delinquency rates. Prioritize strategies to address poverty, lack of education, and violence as fundamental causes of offending.
- F. Child involvement:** The Act acknowledges the significance of child involvement, but the juvenile justice system needs to improve and encourage meaningful child engagement in life-changing choices. A fair and successful system requires children to be heard and considered in decision-making.

2. The Right of Children to Free and Compulsory Education Act, 2006⁵

- a. Ensures that all children between the ages of 6 to 14 are provided with an education that is both free and mandatory.
- b. Prohibits discrimination in the admissions process, the curriculum, and the process of completing primary school⁶.

3. The Protection of Children from Sexual Offenses (POCSO) Act, which was passed in 2012, does the following⁷

- a. It establishes a legal framework for protecting children from sexual abuse, exploitation, and pornography.
- b. Defines a variety of sexual crimes committed against minors and outlines severe penalties for those who commit such acts.

Down side of the Legislation

- A. Ambiguity of "Child":** The statute defines a kid as someone under 18. The Indian Penal Code sets the age of consent for consensual sex between two people at 18, which creates uncertainty about sexual behaviour. This mismatch has caused uncertainty and dispute about the POCSO Act's applicability to minors' voluntary sexual behaviour.
- B. Lack of Gender-Neutral Language:** The POCSO Act protects female children but not male youngsters from sexual assaults. This gender-specific phrasing leaves male sexual assault victims vulnerable and may discourage reporting or delay prosecution.

In a case involving the physical relationship between adolescent boy and adolescent girl, the girl is treated as the victim and the boy is treated as an accused. Despite the POCSO Act, gaining convictions is difficult owing to a lack of evidence, judicial delays, and

5 The Right of Children to Free and Compulsory Education Act, 2006:

6 Sarin, M. N. The Right of Children to Free and Compulsory.

7 Datta & Das (2018). Indian Child Protection Laws. Law and Social Sciences, 2(1), 22-32.

societal stigma surrounding child sexual abuse cases. These obstacles may hinder justice for child victims and deter reporting.

Despite the POCSO Act, gaining convictions is difficult owing to a lack of evidence, judicial delays, and societal stigma surrounding child sexual abuse cases. These obstacles may hinder justice for child victims and deter reporting.

C. Rehabilitation and assistance Services: The statute emphasizes punishment, but child victims of sexual assaults require rehabilitation and assistance. To help survivors recover, counselling, medical treatment, and other assistance should be priority.

4. The Child Labour (Prohibition and Regulation) Act of 1986:⁸

- A. Prohibits the employment of children younger than 14 in potentially dangerous jobs or procedures; regulates the conditions under which children may be employed;
- B. Establishes guidelines for the working conditions and hours that minors may be required to labour in jobs that are allowed.

Down side of the Legislation

Ambiguity in the Definition of "Child Labour": The legislation defines child labor as the employment of children under the age of 14 in certain vocations. The statute, however, enables minors to work in family businesses and some non-hazardous vocations, which may lead to exploitation and the continuation of child labor in disguised forms.

5. The Commissions for the Protection of Child Rights (CPCR) Act, 2005.⁹

- A. Establishes National and State Commissions for the Protection of Child Rights to monitor and oversee the implementation of child rights and protection.
- B. Provides the Commissions with the authority to investigate complaints, take actions on their own initiative, and make recommendations on child welfare policies.

6. The Child Marriage Restraint Act (CMRA), signed in 2006, does the following:¹⁰

- A. It outlaws marrying a child under the age of 18 and lays out penalties for anyone who is responsible for or promotes such unions.
- B. Minimum age for females to get legally married is 18 and 21 for Male.

7. The National Policy for Children, 2013, does the following

- A. It outlines the guiding principles and action plans for the comprehensive development and well-being of children.
- B. Places an emphasis on the child's ability to live, maintain their health and nutrition, get an education, be protected, and participate.¹¹

8 The Child Labour (Prohibition and Regulation) Act of 1986

9 The Commissions for the Protection of Child Rights (CPCR) Act, 2005

10 The Child Marriage Restraint Act (CMRA)

11 The National Policy for Children, 2013

12 The Infant Milk Substitutes, Feeding Bottles and Infant Foods Regulation of Production, Supply and Distribution Amendment Act, 2003

8. The Infant Milk Substitutes, Feeding Bottles, and Infant Foods Regulation of Production, Supply, and Distribution Amendment Act of 2003: serves as a modification to the initial legislation established in 1992.

The aforementioned legislation is commonly known as the IMS Act or the Infant Milk Substitutes Act. The primary objective of the IMS Act is to establish regulatory measures for the oversight of the making, supply, and distribution of infant milk substitutes, feeding bottles, and infant foods. The primary aim of this initiative is to safeguard and advance the practice of breastfeeding, which is widely recognized as essential for the optimal health and overall welfare of newborns.¹²

Review of Literature

Datta & Das (2018) examined India's child protection laws, including the Juvenile Justice Act, Child Labor Act, and Protection of Children from Sexual Offences Act. It evaluates the legal framework and suggests improvements.

Gupta & Human (2017) mentioned that The Indian Right to Education Act, Juvenile Justice Act, and Prohibition of Child Marriage Act are critically examined in this paper. It examines how these regulations affect child well-being and proposes improvements.

Sharma & Gupta (2019) discussed Indian child protection laws, institutions, and policies. It explains how the National and State Commissions for Protection of Child Rights, Juvenile Justice Boards, and Child Welfare Committees safeguard children and assesses their implementation issues.

Rani Verma (2018) discussed Child labor, trafficking, marriage, and abuse laws in India are critically examined in this research. It addresses implementation shortcomings and proposes legislative reforms to safeguard children.

Agarwal & Tripathi (2016) examines India's Right to Education Act, Juvenile Justice Act, and Integrated Child Protection Scheme. It addresses

implementation gaps, obstacles, and the need for comprehensive child protection.

Das & Chatrabouty (2018) examines India's Child Labor (Prohibition and Regulation) Act its modifications. It evaluates the legislation's impact on child labor and offers ways to improve enforcement and rehabilitation.

Conclusion

In India, laws about children are very important for protecting their rights, keeping them healthy, and helping them grows up. This thorough guide has given a review of some of the most important laws and acts that are meant to protect children in different areas also talked about parts of the constitution like Article 15(3) and Article 21A, which promise special protections for children and the right to free and mandatory education, respectively. It also talked about specific laws, such as the Juvenile Justice Act, the Right to Education Act, the POCSO Act, the Child Labour Act, and others, that protect children, help them get an education, take care of their health, and give them a voice.

Also Effort to talked about how important it is to nurse and how the Infant Milk alternatives Act regulates milk alternatives for babies. It talked about how important it is for children to be involved, to have the right to grow, to have the right to their own identity, and to have special protections for groups that are weak.

By looking at laws about children, it became clear that putting them into effect and making sure they are followed are still major problems. It is important for government departments, non-government organizations, and civil society to work together to make sure that these rules are implemented, monitored, and evaluated well.

Even though the Research paper gave a complete outline, it is important to remember that child-related laws are always changing. Changes and ongoing work are needed to deal with new problems and improve the safety and wellbeing of children.

Overall, this Research Paper is a useful tool for lawmakers, practitioners, scholars, and other

people who work in the area of child safety and rights. It talks about India's legal system and encourages a more complete understanding of laws that affect children. It also stresses the need for everyone to work together to make a safe, caring, and welcoming place for all children.

Bibliography

Datta & Das (2018). Indian Child Protection Laws. *Law and Social Sciences*, 2(1), 22-32.

D. Agarwal & R. Tripathi (2016). Indian Child

Rights Laws and Policies. 4(1), 40-54.

P. Das & K. Chakraborty (2015). Indian Child Labor Laws Study. 5(2), 489-502.

Sharma & Gupta (2019). Indian Child Protection Mechanisms. *Indian Research* 7(1): 99-104.

S. Gupta & M. Kumar (2017). India's Child Rights Laws. 8(3), 239-243.

S. Rani & R. Verma (2018). Indian Child Protection Laws. 7(2), 136-140.



Pacific University Journal of Social Sciences

Vol. 8

Issue 1

November, 2023

Udaipur

Globalisation and The Dynamics of Human Resources Practises in Multinational Corporations (A Global Perspective) Bulugbe Kayode Oluwaseyi	1
Exploratory Study of Impact of Reviews on Consumer Online Buying Behaviour and Brand Perception Sakshi Jain, Prof. Subhash Sharma	8
A Comparative Study of Stress Levels Among Working Women and Homemakers of Udaipur Region Shilpa Adholiya, Dr. Ashish Adholiya	27
Leveraging Workplace Spirituality and Employee Affective Commitment to Enhance The Performance of Service Executives: An Empirical Investigation Surendar K Rawat, Dr. Shikha Bhargava	42
Enhancing Cultural Tourism: A Literature Review of Festival Impact on Ganesh Utsav in Mumbai Manasi Gaurav Keni, Dr. Shivoham Singh	52
Child Rights and Their Problems Dhruval Shah, Dr. Pushpa Mehdoo	64
Artificial Intelligence Is A Threat To Humanity – Myth Or Truth Dr. Garima Kaneria, Khushali A Mehta	71

CHILD RIGHTS AND THEIR PROBLEMS

Abstract

The present study conducts a critical analysis of child rights in India, highlighting the many obstacles that hinder their successful implementation. With 370 million children living in India, it is crucial to preserve their rights to identity, health, education, and safety, among other things. Even with legislative protections in place, a significant number of children still lack access to these essential rights.

The paper tries to explain many reasons which fail to protect children's rights, focusing on the obstacles that hinder access to education. It does this by using a wealth of research and empirical data. Remarkably, data show that 50 % of Indian children between the ages of six to eighteen are not enrolled in school, which raises the questions of whether socioeconomic causes and systemic inequalities are at work.

This paper explores the negative effects of violating a child's rights on both physical and mental health. These issues have been made worse by the COVID-19 pandemic, which has increased danger in children and escalated inequality. This study employs a multidisciplinary approach to identify critical issues and provide workable remedies. The report argues for coordinated efforts at local, national, and international levels to protect the rights of every child in India, ranging from policy interventions to grassroots activities.

This study attempts to encourage discussion and promote constructive change in the field of child rights advocacy and protection by giving a thorough analysis of the existing situation and practical suggestions.

Keywords: Child Legislations, Child laws, Children Rights, POCSO

Introduction

The right to health is of highest priority for all people on the planet. An unhealthy individual is incapable of living a joyful existence. The condition of being physically, mentally, and socially sound is health. Similarly, child good health include education, Prohibition on child labour, Prohibition on Violence, abuse, Discrimination & on Deprivation.

Right to Equality (Article 14), Right against Exploitation (Article 23), Right to Freedom of Speech and Expression (Article 19), Right to Protection of

1 THE CONSTITUTION OF INDIA [As on 26th November, 2021

2 CHILDREN RIGHTS AND THEIR SOCIO-LEGAL PROBLEMS

Dr. SOURABH SHARMA (LL.M., Ph.D.) International Journal of Research in Social Sciences

Vol. 13 Issue 3, March 2023,

ISSN: 2249-2496 Impact Factor: 7.081

Dhruval Shah

Research Scholar
Pacific School of Law,
PAHER University

Dr. Pushpa Mehdo

Principal
Pacific School of Law,
PAHER University

Children (Article 15(3) and Article 39(e) and (f)), Right to Development and Protection (Directive Principles of State Policy), Right to life, Right to education (Article 21A)¹ this are the few right which is protected by constitution of India, but still we face some loopholes if we go in the society In India, approximately 8 crore children do not attend school². Despite India's rising per capita income, millions of children and women suffer from 'hidden hunger'. According to the UN's Food and Agricultural Organisation (FAO) 'The State of Food Security and Nutrition in the World, 2022 Report'³, 224.3 million people, or 16% of the Indian population, are malnourished, with 53% of reproductive-age women being anaemic. More than 17.3% of children are malnourished, and more than 30.9% are stunted, exposing them to common childhood infections such as malaria, pneumonia, and diarrhoea, which are primary causes of child mortality in India. Even though India's child death rate declined from 2.5 million per year in 2000 to 1.2 million per year in 2015, it remains the world's highest statistic for mortality for children under the age of five.⁴

Every person has the right to life, which is a very basic and important right. It's also a basic right that all other rights are based on. In the lack of this right to security, all other rights are meaningless. Childhood is a more fragile time for people because their bodies and minds have not fully developed yet. Furthermore, the youngster demands extra care and protection. Every child needs particular.

Question of Research

Examining the Multifaceted Challenges Faced by Children in Upholding Their Rights: A Comprehensive Analysis of Socioeconomic, Cultural, and Legal Factors?

Methods of Research

The following Methods are followed to gather relevant information and to analyze the subject matter effectively:

01. Literature Review

02. Legal Document Analysis

03. Case Studies

04. Legal Framework Evaluation

Six major problems and rights that most children face and desire in their lives

- A. Health issues / Right to Survival
- B. Poverty / the right of a child to be protected against poverty.
- C. Lack of education / Right to Education:
- D. Child labour / Right to Development:
- E. Violence and abuse / Right to Protection:
- F. Discrimination & Deprivation / Right to Non-Discrimination:

A. Health Issues/Right to Survival

What is your understanding of it? We discuss numerous aspects of life, including the need to work, study, and live. However, numerous children are merely struggling for survival. Not only by starvation but also as a result of medical complications. We encounter numerous infections, diseases, and viruses on a daily basis; at the moment, we are occupied with Covid-19. Over the past Four years, each individual has been contending with this virus. A considerable number of our loved ones have perished as a result of this pandemic. There are currently a multitude of vaccines on the market. In numerous jurisdictions, the government is providing complimentary vaccinations but still many children, however, had lost their parents, and we can offer only our condolences or make a token effort to assist them, and we remain ignorant to the challenges that these children are currently experiencing or may encounter in the future. It has been reported or observed that certain newborns die as a result of medical complications or other causes. New death rates from UNICEF, the World Health Organisation (WHO), the United Nations Population Division, UNFPA, and the World Bank Group show that about 2.8 million pregnant women and babies die every year, or 1 every 11 seconds⁵.

3 <https://www.fao.org/3/cc0639en/cc0639en.pdf>

4 <https://blogs.lse.ac.uk/southasia/2023/02/27/stuffed-granaries-and-empty-stomachs-hunger-in-india/>

5 <https://www.unicef.org/press-releases/surviving-birth-every-11-seconds-pregnant-woman-ornewborn-dies-somewhere-around#:~:text=FACT%20SHEET,and%20the%20World%20Bank%20Group.>

Indians have significant challenges in the form of poverty, hunger, and inadequate sanitation, which greatly contribute to the high rate of child mortality. Over 40% of youngsters suffer from malnutrition or impaired growth. Kerala has the most minimal child mortality rates among all regions in India. This has been accomplished via the mitigation of poverty, alleviation of hunger, and reduction of disparities. India has higher child death rates compared to its neighbouring countries, Bangladesh and Nepal, despite the fact that both countries are economically weaker and have a lower number of physicians.

After birth, many parents leave their newborn babies in public places due to various reasons. They may not be financially stable, they may have a girl baby, or there could be other factors involved. These circumstances are not new; we are all aware of them. These children are simply fighting for their survival; they don't want anything else except to live.

On the other hand of this paper as we early said there is two part of this paper one is socio and another one is legal. Now we will see some legal aspects of it.

Article 14

In terms of the Indian Constitution it's about being equal in front of the law. The Indian constitution says that everyone is equal before the law. So why do so many of us not follow this and break the constitution? We need to follow this, and people who don't should be punished harshly.⁶

Article 15

Discrimination based on "place of birth." is prohibited under Article 15 of the Indian Constitution. This implies that people can't be discriminated against depending on where they were born—rural, urban, or elsewhere. Such discrimination violates Constitutional equality and fairness. The constitutional clause guarantees equal treatment regardless of birthplace, although societal biases may remain. Poor and unsanitary individuals may be discriminated against, as you indicated. However, everyone deserves dignity

and respect, regardless of socioeconomic status or living situations.

To counteract birthplace prejudice, awareness, education, and empathy should be promoted. We need a more inclusive society where everyone is appreciated and has equal opportunity to succeed. This involves reducing structural disparities, increasing access to clean water, sanitation, and housing, and confronting discriminatory preconceptions and biases. To guarantee that no one is marginalised or excluded based on birthplace or socioeconomic position, government institutions, civil society organisations, communities, and people must work together to respect Article 15.

Article 16 The Indian Constitution's Article 16 It discusses equal opportunities in relation to public employment. Bias and corruption can exist in the public employment sector. Although the frequency is decreasing, but still some incidents still occur in some locations nowadays. However, what if the youngster isn't provided with a suitable education and meets their fundamental needs? How can we speak about equal opportunity if they can't get employment in these fields? How will a youngster be able to find employment if they are deprived of their fundamental needs or are not given the chance to further their education? We don't quite know how to solve it. Many schools have been established by the government, yet many kids still choose not to go. The cause is still a mystery.

Article 21A: of the Indian constitution. It discusses the right to education. Education, like food and shelter, is critical to our survival; nevertheless, many of us do not get it for a variety of reasons. I have one question for everyone who is reading this. Are we genuinely obeying our Indian constitution? Simply ask yourself if you are or not.

B. Child Poverty

Children born into poverty face several challenges throughout the day, from sunrise to sunset. They must labour in little spaces to feed themselves and survive on a daily basis. Their family is also

6 THE CONSTITUTION OF INDIA (As on 26th November, 2021)

7 <https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>

8 Section 14 in The Child Labour (Prohibition and Regulation) Act, 1986

suffering because they do not have suitable occupations or a method to generate money, and as a consequence, all of the family members, particularly the youngsters, have to suffer greatly. They lack of food, unsuitable living environment, live in the hut or on the roadside. Their parents worked tirelessly to feed their children twice a day, but some situation is worst-case scenario, and it is very tough for living. In such conditions, the children need work for food or a healthy lifestyle. The most prevalent cause is that their parents do not have a job or labour to perform. In most situations, their parents work for a daily salary, such as labour, cleaning, babysitting, and driving, and so on.

So to overcome from Poverty several strategies should be followed and government should run such type of new programmes

- A. Income Support Programs
- B. Access to Quality Education
- C. Employment Opportunities for Parents
- D. Universal Healthcare Coverage
- E. Addressing Inequality
- F. Affordable Housing
- G. Social Protection Policies
- H. Advocacy and Awareness

It is possible to achieve substantial advancements in the reduction of child poverty and the guarantee of equal opportunities for all children by employing a multisectoral approach that incorporates the aforementioned strategies and combines government agencies, civil society organisations, communities, and international partners.

C. Education Barriers

01. **Financial constraints:** Families may not be able to afford school fees, travel charges, or school supplies and uniforms.
02. **Child Labour:** In many circumstances, children are compelled to labour to help their families financially, preventing them from attending school.

03. **Distance to Schools:** In rural or isolated places, schools may be distant from children's homes, making it difficult for them to get an education, particularly if transportation is unavailable.
04. **Cultural Beliefs and Practices:** In certain societies, boys' education is prioritised over girls', resulting in gender inequities in access to education. Furthermore, cultural norms may hinder certain groups, such as minorities or marginalised communities, from enrolling their children in school.
05. **Conflict and Instability:** Schools in conflict-affected areas may be destroyed or shuttered, and families may choose their children's safety above education.
06. Children with impairments or special needs may encounter challenges to obtaining an education owing to a lack of proper facilities, experienced instructors, or support services.
07. **Lack of Infrastructure:** Schools in underprivileged regions may lack basic amenities such as classrooms, power, clean water, and sanitation, making it difficult for students to attend consistently.
08. **Discrimination and Exclusion:** Discrimination based on race, religion, language, or socioeconomic background may lead to the exclusion of certain children from educational opportunities.

To address educational hurdles, a multifaceted strategy is required, incorporating government policies, community activities, and international help. This includes providing financial assistance to low-income families, enacting anti-child labour laws, improving infrastructure and transportation networks, promoting gender equality and inclusive education, investing in teacher training and resources, and fostering partnerships between governments, nongovernmental organisations, and communities to ensure that all children have equal access to quality education.

D. Child Labour

We all know that it is illegal for children to work, but does everyone follow this rule?

No, not all of them. In many workplaces and other places, these kids are working against their will, but everyone has a reason. Some of them have to work even though they don't want to because their people make them. For food, some of the kids work day and night for their families. Some of them work because their parents tell them to. It happens in different places and at different times, but one thing is always the same children work.

They can go to school and have a good time, but for survival they need to work in different workplaces, hotels, and other places. They also want to be happy like other kids, go to school, or study, but they can't.

Child labour still happens and may even get worse because of many complicated reasons:

01. **Poverty:** One of the main reasons kids work is because their families are poor. People who live in great poverty often depend on the money their children can make by working to stay alive. When families are having a hard time meeting their basic needs, putting kids to work is not a choice but a way to stay alive.
02. **Inability to Get an Education:** A lot of the time, kids have to work because they can't get a good education. Children may have to work instead of going to school when schools aren't available, are too expensive, or aren't good enough.
03. **Cultural and social norms:** In some societies, children's ability to help make money for the family is valued more than their right to go to school and be safe from being exploited at work. Gender roles may also play a part, since girls are often expected to do housework or watch their younger brothers instead of going to school.
04. **Lack of Enforcement of Laws against Child Labour:** When laws against child labour are not enforced properly, companies can use kids as cheap labour without getting in trouble. Corruption and weak judicial systems can make this problem even worse.
05. **Conflict and Instability:** Children may be more likely to be exploited and made to work in places where there is conflict, war, or political instability because social systems are broken and there aren't enough protections in place.
06. **Demand for Cheap Labour:** Businesses that need cheap labour may keep using kid labour by taking advantage of weaker groups, especially in areas like farming, manufacturing, mining, and housework.
07. **Movement and Urbanisation:** When kids move from the country to the city to find work, they may be more likely to be abused because they are leaving their towns. In cities, kids may end up working in dangerous places, like the private sector or on the street.

Dealing with child labour needs a multifaceted method that handles its causes, such as poverty, lack of schooling, weak laws, and views in society. Focus should be put on reducing poverty, making it easier for kids to go to school, strengthening child protection systems, making sure labour laws are followed, helping families find stable ways to make a living, and spreading the word about how important it is to protect kids' rights and well-being. To fight child labour successfully and make sure that all children can grow up in a safe and caring setting, states, companies, civil society groups, and foreign bodies must work together.

NEW YORK/GENEVA, 10 June 2021 – The number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years – with millions more at risk due to the impacts of COVID-19, according to a new report by the International Labour Organization (ILO) and UNICEF.⁷

In some industries, like cracker mills, mines, quarries, and child prostitution, kids have to work in dangerous or difficult conditions. These jobs are all against the law. All of these people are given harsh punishments, but they still do this illegal job. There are numerous Loop holes in the system that allows them to do this kind of illegal work

7 <https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>

without fear. We all have to accept this terrible truth. Laws are made for the protection of children and against child labour and exploitation

01. Child Labour Act
02. Child Labour (Prohibition and Regulation)
03. Juvenile Justice (Care and Protection of Children) Act, 2000.

Punishment⁸

01. Whoever employs or permits any child to work in violation of the provisions of section 3 shall be punished by imprisonment for a term of not less than three months but not more than one year, a fine of not less than ten thousand rupees but not more than twenty thousand rupees.

- (2) If a person is convicted of an offence under section 3 and then commits a similar crime, he must be imprisoned for a period of at least six months but up to two years.
- (d) fails to comply with or contravenes any other provisions of this Act or the regulations established thereunder, shall be punished with simple imprisonment for one month, a fine of ten thousand rupees, or both.⁹

In the case of *Jayakumar Nat & Anr v State of NCT of Delhi & Anr* on 4 September 2015. In this instance, the boy stated that he has been working for the past three months at the Vishwakarma Tempo Repairing Centre, Govindpuri Transit Camp, for roughly ten hours per day and earning Rs. 400 per month. Article 24 of the Indian constitution prohibits the employment of minors under the age of 14 in industries and hazardous jobs. The Indian constitution includes Article 24 as one of its essential rights. Children under the age of 14 are not permitted to work in factories or other dangerous environments. If they are compelled to undertake the labour in certain regions, they are subject to penalty.

Review of Literature

Datta & Das (2018), examined India's child

protection laws, including the Juvenile Justice Act, Child Labor Act, and Protection of Children from Sexual Offences Act. It evaluates the legal framework and suggests improvements.

S. Gupta, M. Kumar (2017) Mentioned that the Indian Right to Education Act, Juvenile Justice Act, and Prohibition of Child Marriage Act are critically examined in this paper. It examines how these regulations affect child well-being and proposes improvements.

Sharma & Gupta (2019), discussed Indian child protection laws, institutions, and policies. It explains how the National and State Commissions for Protection of Child Rights, Juvenile Justice Boards, and Child Welfare Committees safeguard children and assesses their implementation issues.

Rani & Verma (2018), Mentioned that Child labor, trafficking, marriage, and abuse laws in India are critically examined in this research. It addresses implementation shortcomings and proposes legislative reforms to safeguard children.

Agarwal & Tripathi (2016), examined India's Right to Education Act, Juvenile Justice Act, and Integrated Child Protection Scheme. It addresses implementation gaps, obstacles, and the need for comprehensive child protection.

Das & Chakraborty (2015), Examined India's Child Labor (Prohibition and Regulation) Act its modifications. It evaluates the legislation's impact on child labor and offers ways to improve enforcement and rehabilitation.

Conclusion

This article aims to explore several subjects pertaining to children's rights and the challenges they face. I have engaged in conversations about health concerns, educational matters, poverty, child exploitation, and certain sections of the constitution, including Article 14, 15, 16, and 21A. I have analysed their issues in separate sections and provided my perspective on potential remedies in the form of responses to specific questions outlined in my abstract. Numerous articles and research papers on comparable topics

⁸ Section 14 in The Child Labour (Prohibition and Regulation) Act, 1986

⁹ <https://www.indianconstitution.in/2021/11/section-14-child-labour-prohibition-and.html>

may be found on various websites. Everyone has spoken their perspective, and I have done the same. However, the challenge is in how individuals handle this situation. While it may be simple to express opinions or engage in discussions, finding a resolution might prove to be challenging. Is it so challenging that we are unable to fix it? The solution is within our control; if we possess the desire to address it, we will indeed resolve it.

Bibliography

- Act, 2015. Sarin, M. N. The Right of Children to Free and Compulsory.
- Avinash De Sousa, S. S. (2018) The Protection of Children From Sexual Offences Act 2012. (Volume-3, Issue-9, Sept-2014 • ISSN No 2277 -8160).
- Datta & Das (2018). Indian Child Protection Laws. Law and Social Sciences, 2(1), 22-32.
- D. Agarwal, R. Tripathi (2016). Indian Child Rights Laws and Policies. 4(1), 40-54.
- Pathak, J. (March 9, 2012). An Analytical Study on Rights of Children and the Constitution of India. Assam.
- P. Das, K. Chakraborty (2015). Indian Child Labor Laws Study. 5(2), 489-502.
- Rani, -N. R. A Critical Analysis on Juvenile Justice (Care and Protection of Children)
- S. Gupta, M. Kumar (2017). India's Child Rights Laws. 8(3), 239-243.
- Sharma & Gupta (2019). Indian Child Protection Mechanisms. Indian Research 7(1): 99-104.
- S. Rani, R. Verma (2018). Indian Child Protection Laws. 7(2), 136-140.
- Vishwanath, D. J. (VOLUME 1:1 (2016). Legal Framework Concerning Child Sexual Abuse In.