

Child Rights: An Indian Perspective

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Abstract

As Wordsworth, the great poet, puts it – **a child is the father of man**. This statement implies that the qualities exhibited by a child will deepen and appear in a marked form when the child grows up into a man. By observing and studying the behavior, the inclinations, the preferences, the prejudices and the tendencies of child, we can conceptualize as to the kind of man he will develop into. Thus, one's childhood may be considered as the foundation of one's manhood. It is in this sense that the child has been called the father of man.

But it is easier said than done. To provide for a conducive environment for the growth and development of our children into capable citizens, we have to deal with the situation on many fronts like laws, education, sanitation, health, nutrition, institutions, civil society, NGOs, judiciary, international conventions, experts and specialists and awareness.

There is a paradigm shift in our approach towards the children. Earlier we took children to be dependent on us but in the current times right based view has been taken for the care and protection of the politically powerless, thus silent, section of the population. We have to put in place a multitude of institutions to generate a support – system congenial for the formation and realization of the potential of the children.

India, as a developing country is fast recognizing the importance of care to be extended to the children and accordingly, a large number of steps have been taken which meet the special needs of special class of population. It goes without saying that a tender age requires a tender treatment. How far we have succeeded in achieving the above aim of children's needs will be analysed and discussed in the present research paper.

KEYWORDS : Child, Juvenile, Care, Protection, Institutions, International Conventions, NCPCR, Tender Age, Tender Care, Dependent view, Rights based view, National Policy

Introduction

In the progress of any economy or society, the role of human resource is paramount. So, the development of human resource itself needs to be given supreme attention. It is only in this context that it is emphasized that human resources development cannot be achieved until we take care of the foundation of human resources i.e. children.

Therefore, an atmosphere for proper care and protection of the child population assumes utmost significance. For this purpose, not to leave anything to chance, it has been felt that the children should be recognised to be having birthrights to their growth and development.

Regime of child rights have evolved over a period of many decades. Earlier, we took a welfarist and dependent view about the care and protection of the children. But over the years, it has come to be recognised that unless this politically powerless – not being voters – population of country is conferred with the legal rights for the growth and development, the dream of realisation of the inherent potential of this population would remain a mere dream. Hence, gathering support from various quarters, this tradition of evolution of child rights and child care has now evolved into a robust stream of rights from its earlier avatar of welfare-based drizzle. Now there is a universal recognition that all children have:

- Right to Survival,
- Right to Childhood,
- Right to Protection,
- Right to Education,
- Right to Nutrition,
- Right to Sanitation,
- Right to Safety, etc.

To recognise these rights and to reaffirm our resolve for protection of the same, India has framed a National Policy for Children, 2013.

To achieve the goals enshrined in various rights, an elaborate institutional support has been created. In this context, the judiciary, the super parent in the form of NCPCR, a dedicated department of child welfare, child care home, schools, hospitals, nutritional inputs deserve special mention.

But in spite of huge advances made in the field of children care and protection, we have still a long way to go before declaring that the desired environment for the development of children has been firmly established. As will be seen in the present research paper that the status of children in India is not an inspiring one and a lot is still needed to be done.

Objective of the Research Work

To examine whether the concept of child rights has delivered the desired results. What further steps are needed for plugging the loopholes in the holistic personality development of a child and how to best protect it from the travails of times? To further examine whether the universal recognition of rights of the children to their development has found its echo in the special conditions of India and to suggest remedial measures.

Research Methodology

The research methodology adopted for the present study is doctrinal in nature. Sources of information are essentially secondary. The researchers have placed heavy reliance upon

library sources, reports, journals, web journals, articles from newspapers and magazines and legal databases. Methods of analysis are critical and comparative.

Evolution of Child Rights

India, like UN, considers all persons living below 18 years of age as children. And ever since 1974, India has declared all children to be 'the Supreme Asset of the Nation'¹. This recognition for the status of the children stems from the reality that children are the foundation of the future of a nation, and if we aspire our nation to scale supreme heights then its foundation i.e. human resource of children has to command supreme value. Protection and care of future of the Nation lies in the protection and care of the present day Children. This is national and societal interest perspective. But, there is one more perspective which brings out human rights in focus. The latter view presumes inherent and inviolable rights in children to get those facilities which can enable children to blossom into a full and individually unique bloom.

We have a distinction of having the largest child population in the world². The population of children in the country is comprised of more than 43% of the total population of the country³. Further, it is a common knowledge that childhood is a tender and formative period of life when there is an enormous scope to mould children into the capable and robust citizens. But, to realise this, we have to establish a conducive environment through effective institutional framework which could provide sustained care and protection to the children. For societal and national development in a peaceful and equitable manner, the necessity of paying special attention to its special members called children cannot be overemphasised. At the same time, we can discharge our duty in respecting the human rights of children for self development.

Today, children are exposed to various problems like that of survival, health, nutrition, sanitation, education, expression, exploitation, participation and identity. Children being below 18 years of age are not voters of the democracy. Hence, they cannot participate in the power processes directly to voice their concern. Therefore, the way forward is to be found in vesting this tender population with some basic and inviolable rights for its all round development. For a long time, these issues of children have been gaining recognition at the International & National level. Hard work of international bodies like United Nations, UNICEF, Human Rights Institutions has culminated in their resolve, research and conventions to take constructive and necessary measures for the safety and development of children worldwide.

The General Assembly of the United Nations adopted the Convention on the Rights of the Child on 20th November 1989. This convention has proved to form the bedrock for any perspective which tends to meet the needs of children and their basic human rights. Almost all members of UN have acceded to the regime of this convention. Showing swiftness, the Government of India too ratified the Convention on 11th December 1992. Supplying additional reinforcements, the Indian Constitution also has several provisions which focus on the issues of the children. These provisions are Clause (3) of the Article 15, Clause (e) and (f) of the Article 39, Articles 45 & 47.

Plus, the judicial process also has contributed to the tradition of evolution of laws which encompasses the rights and welfare of the children. For instance, courts gave a valuable and new impetus to ideal of the right to free and compulsory education for children between ages 6 and 14. Later, this was declared a fundamental right, and a new article 20A, bearing this spirit, has been enshrined in the constitution. Further, the courts are watching the implementation of the existing laws concerning children.

The United Nations Convention on the Rights of the Child emphasizes social reintegration of the child victims, to the extent possible, without resorting to regular judicial proceedings. The same convention has prescribed a set of standards to be adhered to by all state parties in securing the best interests of the child. Other relevant instruments which influenced Child Laws are as follows:

- the United Nations Standard Minimum Rules for Administration of Juvenile Justice,
- the United Nations Rules for the Protection of the Juvenile Deprived of their Liberty 1990,
- the Declaration of the Rights of the Child,
- the Universal Declaration of Human Rights and its Covenants,
- the Convention on the Rights of the Child and its two Optional Protocols,
- the United Nations Convention on the Rights of Persons with Disabilities,
- the United Nations Convention against Transnational Organized Crime,
- the Protocol to Prevent, Suppress and Punish Trafficking in Women and Children,
- the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption,
- the Convention on the Elimination of All Forms of Discrimination against Women

In the spirit of above instruments, the Government of India enacted a highly progressive legislation in the form of the Juvenile Justice (care and protection of the children) Act, 2000. This Act has set up an elaborate system which not only caters to the needs of juveniles in conflict with law and but also provides care and protection to the children facing deprivation. This all is done in a child friendly approach with the adjudication and disposition of matters in the best interests of children. Ultimate aim always in sight is the rehabilitation through various institutions like – Children Home, Shelter Home, Observation Home, Special Home, Individual Fit persons, After-care Organisations and the Places of Safety.

This Act has further been amended strengthened in the years 2006 and 2010. As far as creation of a legal instrumentality is concerned, we have achieved that mile stone. However, the working of that instrumentality is still a very serious concern even in year 2012 when the Supreme Court of India is constantly looking into the implementation of this law in Sampurna Behrua vs Union of India case. A separate petition titled Deepika Thusso vs State of Jammu & Kashmir is also pending for consideration before the Supreme Court. Taking individual initiative, several High Courts have constituted 'Juvenile Justice Committees' headed by the sitting judges of the High Courts to supervise

and monitor the implementation of the Juvenile Justice Act in their respective jurisdictions. It is heartening that these committees have proved very effective in improving the state of implementation. It is not that the Juvenile Justice (care & protection) Act, 2000 is the only step taken for child issues. Prior to this, many other legislations attached importance to the welfare of children. For example, the Apprentice Act, 1850 required that children between ages of 10 and 18 convicted in courts be provided vocational training to pave way for their rehabilitation in the society. Reformatory School Act, 1857 and Children Act of 1960 were also created round the central idea of providing special care to children. Juvenile Justice Act of 1986, previous avatar of the Act in force today, also had wide ranging provisions to treat juvenile delinquency and to take care of the neglected children. Today, the child legislations, policies, plans and programmes have evolved into a fine system of laws where we can boast of having put in place a framework to best protect the interests of children. In India, we have been devising the National Policy for Children since 1974 cherishing the theme and ideal of 'the Children are the Supremely Important Assets of the Nation'.

The Supreme Court of India as well as different High Courts have pushed the cause of child welfare through their landmark judgements passed in cases of:

Sunil Kumar vs State of Kerala (1983) Criminal LJ (1999),

Satto and others vs State of UP (1997) AIR 1519,

Sheela Barse and others vs Union of India and others JT-1986 (136),

Amit vs State of UP (1999) Criminal LJ (1878).

Sampurna Behrua vs Union of India WP (civil) No. 473 of 2005

Deepika Thusso vs State of Jammu & Kashmir

Bachpan Bachao Aandolan vs Union of India WP (civil) No. 51 of 2006

Many activists like Kailash Satyarthi, Kajol Menon, Sheela Barse, Harsh Mander, Amod Kanth, Prof. Ved Kumari are making exemplary contribution to carry forward the momentum of Rights of Child and invoking such rights⁴. Similarly, an army of organisations, governmental and non-governmental alike, comprising of ICDS, Bachpan Bachao Aandolan, PRAYAS, Child Line, Udyan Care, Children of Mother Earth, so on and so forth, has been strengthening and refining the tradition of children welfare⁴. Gathering support from various quarters, this tradition has now evolved into a robust stream of rights from its earlier avatar of welfare-based drizzle. Now there is a universal recognition that all children have:

Right to Survival,

Right to Childhood,

Right to Protection,

Right to Education,

Right to Nutrition,

Right to Sanitation,

Right to Safety, etc.

To recognise these rights and to reaffirm our resolve for protection of the same, a National Policy for Children, 2013 has been framed. In this policy, the Government of India has shown its obligation towards the largest segment of the population of this

country which otherwise has no participation in decision-making of the State in the form of vote. To further the mandate of fundamental rights and directive principles of state policy, this policy has set its eyes on securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The policy aims at protecting the childhood from exploitation and moral and material abandonment.

Now, the Government of India recognizes that:⁵

- a child is any person below the age of eighteen years;
- childhood is an integral part of life with a value of its own;
- children are not a homogenous group and their different needs need different responses, especially the multi-dimensional vulnerabilities experienced by children in different circumstances;
- a long term, sustainable, multi-sectoral, integrated and inclusive approach is necessary for the overall and harmonious development and protection of children;

The state apparatus, therefore, has reaffirmed that:⁵

- every child is unique and a supremely important national asset;
- special measures and affirmative action are required to diminish or eliminate conditions that cause discrimination,
- all children have the right to grow in a family environment, in an atmosphere of happiness, love and understanding;
- families are to be supported by a strong social safety net in caring for and nurturing their children;

From this it is clear that the state is committed to take affirmative measures – legislation, policy, plan, programme – to promote and safeguard the right of all children to live and to grow with equity, justice, conscience, dignity, security and freedom. Every child is unique hence needs special conditions to bloom into an able individual according to the ingrained potential. So, we have to set up an enabling environment to actualise the latent potential of all individual children. In particular, the children of marginalized or disadvantaged sections as well as girl children have been paid special attention to. All energy is directed towards ensuring equal opportunities for children and not to allow any custom, tradition, cultural or religious practice to violate or restrict or prevent children from enjoying their rights. To meet these goals, this policy guides and informs all laws, policies, plans and programmes affecting children.

All state actions have to keep in view that:⁵

- i. every child has universal, inalienable and indivisible human rights
- ii. the rights of children are interrelated and interdependent, and each one of them is equally important and fundamental to the well-being and dignity of the child
- iii. every child has the right to life, survival, development, education, protection and participation
- iv. right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality

- v. mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality
- vi. all children have equal rights and no child shall be discriminated against on grounds of religion, race, caste, sex, place of birth, class, language, and disability, social, economic or any other status
- vii. the best interest of the child is a primary concern in all decisions and actions affecting the child, whether taken by legislative bodies, courts of law, administrative authorities, public, private, social, religious or cultural institutions
- viii. family or family environment is most conducive for the all-round development of children and they are not to be separated from their parents, except where such separation is necessary in their best interest;
- ix. every child has the right to a dignified life, free from exploitation
- x. safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities
- xi. children are capable of forming views and must be provided a conducive environment and the opportunity to express their views in any way they are able to communicate, in matters affecting them
- xii. children's views, especially those of girls, children from disadvantaged groups and marginalised communities, are to be heard in all matters affecting them, in particular judicial and administrative proceedings and interactions, and their views given due consideration in accordance with their age, maturity and evolving capacities

Evidently, the policy gives unflinching support to the cause of children by conferring on them all essential rights to receive such care and protection which are necessary for them to grow to be free and dignified citizens.

Befittingly, the policy mandates the State to take all necessary measures. For instance, to:⁵

- i. Provide universal and equitable access to quality Early Childhood Care and Education (ECCE) for optimal development and active learning capacity of all children below six years of age
- ii. Ensure that every child in the age group of 6-14 years is in school and enjoys the fundamental right to education as enshrined in the Constitution
- iii. Promote affordable and accessible quality education up to the secondary level for all children
- iv. Foster and support inter sectoral networks and linkages to provide vocational training options including comprehensively addressing age specific and gender-specific issues of children's' career choices through career counseling and vocational guidance
- v. Ensure that all out of school children such as child labourers, migrant children, trafficked children, children of migrant labour, street children, child victims of alcohol and substance abuse, children in areas of civil unrest, orphans, children with disability (mental and physical), children with chronic ailments, married

- children, children of manual scavengers, children of sex workers, children of prisoners, etc. are tracked, rescued, rehabilitated and have access to their right to education
- vi. Address discrimination of all forms in schools and foster equal opportunity, treatment and participation irrespective of place of birth, sex, religion, disability, language, region, caste, health, social, economic or any other status
 - vii. Prioritise education for disadvantaged groups by creating enabling environment through necessary legislative measures, policy and provisions
 - viii. Ensure physical safety of the child and provide safe and secure learning environment
 - ix. Ensure that all processes of teaching and learning are child friendly
 - x. Ensure formulation and practice of pedagogy that engages and delights children, with a special focus on mental health, from a social and gender just, life skills and age appropriate perspective
 - xi. Provide access to ICT tools for equitable, inclusive and affordable education for all children especially in remote, tribal and hard to reach areas
 - xii. Promote safe and enjoyable engagement of children's experiences with new technology in accordance with their age and level of maturity, even as there is respect for their own culture and roots
 - xiii. Review, develop and sustain age-specific initiatives, services and programmes for safe spaces for play, sports, recreation, leisure, cultural and scientific activities for children in neighbourhoods, schools and other institutions
 - xiv. Enable children to develop holistically, bringing out their aspirations, with focus on their strengths, empowering them to take control of their lives, bodies and behaviours
 - xv. Ensure no child is subjected to any physical punishment or mental harassment. Promote positive engagement to impart discipline so as to provide children with a good learning experience
 - xvi. Ensure that children's health is regularly monitored through the school health programme and arrangements are made for health and emergency care of children
 - xvii. Provide services to children with special needs in regular schools and ensure that these are inclusive and have all facilities such as trained teachers and special educators, appropriate pedagogy and education material, barrier-free access for mobility, functional toilets and co-curricular activities towards the development of child's fullest potential and autonomy and sense of dignity and self worth.
 - xviii. Promote engagement of families and communities with schools for all round development of children, with emphasis on good health, hygiene and sanitation practices, including sensitization on ill-effects of alcohol and substance abuse
 - xix. Facilitate concerted efforts by local governments, non-governmental organisations/community based organisations to map gaps in availability of educational services, especially in backward, child labour intensive areas, areas of civil unrest, and in situations of emergency, and efforts for addressing them
 - xx. Identify, encourage and assist gifted children, particularly those belonging to the disadvantaged groups, through special programmes
 - xxi. Provide and promote crèche and day care facilities for children of working mothers, mothers belonging to poor families, ailing mothers and single parents

- xxii. Promote appropriate baby feeding facilities in public places and at workplaces for working mothers in public, private and unorganized sector

After a long debate and discussion, it has now been distilled acknowledged that participation of stakeholders (children) is a must for any meaningful breakthroughs in the fight for the betterment of the conditions touching them. So, the State has been cast with a responsibility of making the children aware of their rights. The children have to be further provided with an enabling environment, opportunities and support to develop skills, to form aspirations and express their views in accordance with their age, level of maturity and evolving capacities in all matters concerning and affecting them. To achieve the end of participation, advocacy and partnership of individuals and institutions have been felt requiring encouragement. These can be individuals, families, local communities, NGOs, civil society organizations, media and private sector. Any service delivery and justice delivery mechanism and structure must be participatory, responsive and child sensitive, transparent and publically accountable.

Ministry of Women and Child Development acts as the nodal ministry for overseeing and coordinating the implementation the child policy. A national coordination and action group monitors the progress. This Ministry formulates a national plan of action for children.

Now that all children have been vested with rights for their well-being and growth, there has to be an institution to protect these rights consistently, persistently while brooking no exception to achieve fairness and transparency. To meet this requirement, a statutory universal supervisor, rather a parent, has been created in the form of the National Commission for the Protection of Child Rights. The Commission ensures that principles of the national policy on children are respected in formulating laws, policies and programmes affecting children. NCPCR has been conferred with wide powers to function as a credible institution for protection of the child rights. The commission visualizes a rights based perspective flowing into national policy and programmes, taking care of specialities and strengths of each region. The commission sees an indispensable role for the state, sound institution building process, respect for decentralization at the level of local bodies at the community level and larger societal concern for children and their well being. It enforces safeguards and presents to the Central Government reports on the working of these safeguards. It undertakes and promotes research in the field of child right. Spread of awareness and literacy on child rights is also one of the avowed aims of this commission. Through its timely interventions the commission has been able to deliver very handsome results in ensuring protection of child rights and further ensuring provisions for care to the needy children. So far, the Commission's track record has been illustratious. More than 150 field reports are to its credit⁶. But it has to travel many more distances to cure the mammoth problems inflicting child population.

We can see that in spite of existence of a good institutional framework, the situation of the children in India is not an inspiring one. A number of eye-openers are enumerated below:

1. **Survival Status:** - Mortality rate in case of neonatal, infants and under 5 children are alarmingly high at 35, 53, 69 (all per thousand) respectively in the year 2008⁷. We are not likely to achieve millennium development goals set by UNICEF in this regard. This all is due to the fact that coverage levels of key intervention to make survival more likely are sub optimal. These key interventions need to address the health of mother, vaccination of children and other preventive measures.
2. **Child Nutrition:** - About 20% of children under age 5 in India are wasted, 43% are underweight whereas 48% remain stunted⁸. This is all due to mainly bad nutrition level. Here too, it is not likely that India will reach the millennium development goal set by UNICEF.
3. **Maternal Health:** - Maternal Mortality Rate (MMR) for India in 2008 is 230⁹. Main causes for high MMR are Haemorrhage, Sepsis, Hypertensional disorder, Obstructed delivery, Abortion etc. Institutional deliveries are needed to be encouraged to uproot these causes.
4. **Sanitation:** - While we stress on food security, mid-day meals in schools, which definitely enhance nutrition levels, attention given to the aspect of sanitation is not commensurate. In a way, we are trapped in a situation where nutrition proposes and bad sanitation disposes. High population density coupled with open defecation by half the country has resulted in a disease environment that leaves India with a child stunting level greater than sub-Saharan Africa, even if infant mortality rates are lower. Sanitation battles, however, cannot be won by grandstanding.¹⁰ Slackness in maintaining hygiene has reflected in many mid-day meal tragedies in schools. Improved drinking water sources and provision of toilets are antidotes to poor sanitation. Suitable sanitation along-with appropriate nutrition can have salutary implication for strengthening the child survival and development.
5. **Disparities and Inequalities:** - Different States have different status of the children. There seem to be a positive correlation between the economic status of the state and the status of the children.
6. **Child Education:** - India has made rapid strides in universalising the primary education largely as the outcome of sustained intervention under Sarv Shiksha Abhiyan and the Midday Meal Schemes. The net enrolment ratio has gone up significantly from a figure of 84.8% in 2001 to 95.5% in 2007. But despite such enrolment, attendance is not up to mark, as, UNICEF ASER 2009 reports that only about 75% of children enrolled were found to be attending school on a random day. In 2012, an NGO known as “Pratham” working under supervision of UNICEF conducted a survey to know the quality of education, especially among low income communities. The latest Annual Status of Education Report, based on a survey conducted by Pratham, had found that only 22.6% of Class 5 students could solve simple division problems, 21.2% could read basic English sentences and 58.3% could read a Class 3 level text¹¹. Notwithstanding efforts at universalisation of elementary education, the quality of education received by children continues to be poor. In a way, the purpose of education to children is being forfeited. Not only this, there are disparities and inequalities in education on account of area, gender, caste, religion, economic status etc. Education of parents also has a direct bearing on the status of the education of children. As Wordsworth puts it “child is the father of man”, the present

- day children are future parents so we must convert the vicious cycle into a virtuous one by educating the present day children in a meaningful way.
7. **Right of Child Protection:** - We need to protect children from conflict, violence, abuse and exploitation. The very nature of different aspects of child protection such as violence, abuse, exploitation and trafficking which thrive on illegality and secrecy etc. makes it difficult for the Government to collect reliable data. To eradicate child labour, trafficking and child marriage, India has made registration of births and deaths compulsory and mandatory under the Registration of Births and Deaths Act, 1969. But still, India has a huge backlog of children whose births have not been registered.
 8. **Child Labour:** - High incidence of poverty forces the children to be engaged in child labour. As per the Right to Education Act, 2009 all children between ages 6 & 14 should be in school which implies that they should not be at work or otherwise engaged. Yet, in India, an estimated 28 million children in the age group of 5-14 are engaged in work¹².
 9. **Child Marriage:** - The right to free and full consent to a marriage is recognized in the Universal Declaration of Human Rights. The Convention on Elimination of all forms of Discrimination against Women (CEDAW) mentions the right to protection from child marriage. In India, the minimum legal age at marriage for girls is 18 years and for boys is 21 years. The Prohibition of the Child Marriage Act, 2006 requires the states and union territories to stop this menace. But many states have not even framed Rules under the said Act. Early marriage is a violation of the rights of all girls and boys as it denies basic rights to health, nutrition, education, freedom from violation, abuse and exploitation and deprives the child of his / her childhood. There is a significant relation between the age of marriage and the chance of the survival of the child. In India, nearly 40% women are married before attaining the minimum legal age of 18¹³.
 10. **Children Living in Areas Affected by Violence and Conflicts:** - In many areas, India has suffered from separatists, ethnic and terrorist violence jeopardizing the protection of children there. Such violence makes following deleterious effect on the children:-
 - a. It violates their right to education.
 - b. It weakens their access to public infrastructure and service delivery such as health, water, nutrition, sanitation, education and protection. It renders children prone to exploitation and detention. In these areas the standards for the protection of the children in conflict with the law as envisaged in Juvenile Justice Act, 2000 are hardly applied.
 - c. Violence causes displacement and family separation. At the same time, security risks and psychological risks also have untold adverse consequences on the children.
 11. **Child's sex ratio and female foeticide:** - As per 2011 census, the overall sex ratio has improved from 933 to 940 but the same is not true in case of child sex ratio in the age group of 0-6 years. The child sex ratio has gone down from 927 to 914. Regional disparities are also there on this score. The drop in the child sex ratio has largely been attributed to sex selective abortions in some parts of the country. Apart from this, the phenomena of female infanticide are a critical concern in India. Over the centuries, the girl child has been considered a burden. "Abort your Daughter now, Save Dowry later" is an old adage in India. There are also beliefs that son can carry out last rites,

- so son is considered a support of old age. These misconceptions still rule the roost of psyche of Indian society.
12. Budgetary provisions and expenditure on child schemes¹⁴:- Centre for Budget and Governance Accountability (CBGA), in a research and advocacy body working as NGO has found that population of children in India accounts for 43% of total population but budgetary allocation for this segment is a mere 4.6% for 2013-14. This allocation has marginally come down to 4.6% from previous years' 4.8%. Not only this, the sector wise distribution of resources is also skewed with key areas like child health getting a meager 3% of the funds. The child budget has largely ignored even recommendation of Working Group of Child Rights for the 12th five year Plan (2012-17) which wanted the budget to represent a new "Child Rights Paradigm" to ensure child rights to survival, development, protection and participation. At present child labour in hazardous occupations in India continues to be as high as 121947 (5 to 14 years of age). Though, the allocation for ICDS has registered an 11.67% increase over the last year, this is far short of the target of Rs. 36000 crores recommended by 12th Plan Working Group. On health front, 40% of children are underweight and still there is no commitment towards universalizing the ICDS.
13. Clamour for further reforms in Child Laws: - In the light of a recent attack on the feminity of women, widely reported as Delhi Gang-rape Case of 16th December, 2012, the civil society is demanding lowering the age in the definition of a juvenile. This is because the most brutal behaviour in the above case has been attributed to the minor involved in that case. The Women & Child Development Ministry is considering a proposal to this effect. Simultaneously, the child activists are calling the proposal as retrogressive. But, surcharging of environment with emotions by media will not leave it easy for the ministry to not consider lowering the age of juvenility. Particularly in view of the significant increase in rapes committed by juveniles since the JJ Act was passed, India should consider amendment of the Act to transfer certain violent crimes such as murder and rape committed by juveniles above a particular age to the adult criminal system¹⁵.
- Activists in the field of child rights point out that the word 'Juvenile' has acquired pejorative connotations over a period of time. Hence, use of the juvenile word should be done away with.
- From above, it is discernible that sometimes the rights of children, in general, and rights of women come into friction with each other. On the one hand we have to protect women and girl child in particular from sexual attacks and on the other hand the childhood of the perpetrator of such crimes is needed to be given a careful deal. The National Crime Record Bureau data shows that sexual crimes committed by juveniles have doubled over the last decade. As the same ministry deals with women and child, there appears to be a conflict of interests inherent in the working of it.

From the status shown above, that too, in the teeth of an elaborate legal framework, persuades us to the following reasoning and conclusions:-

1. The degree of application of law does not correspond to the severity of the problem.
2. The plight of children in India is abysmally poor, so the size of problem is gigantic when we take into account the size of child population.

3. All problems are interconnected hence there can be no piecemeal solution to these. A holistic approach is need of hour to make a perceptible headway to cope with the delicate issues of children.
4. Reorientation of the agents of change working in the field of child issues is needed. They have to be equipped with latest research, positive attitude, and a sense of service to achieve the ends of justice for the mute population of children.
5. The budget provisions made for the child population are needed to be expanded to get desired results. Without investment in the present day children, we cannot reasonably hope to see the economic growth of the nation in future. Nor can we claim to have discharged our duty towards seeing the realisation of human rights of the tender population meriting careful and tactful treatment.

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