



Judiciary and child rights in India-recent trends

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Abstract

Children are the greatest assets of a country. The rights of a child begin in the womb of his mother. Law acknowledges unborn child's some property rights. While deciding whether to terminate a pregnancy, there is a live argument between the right to life of a foetus and the right to self autonomy of a pregnant woman. Even after decades of independence, there is still wealth disparity Indian society. In India, a significant portion of children live in unhygienic conditions suffer from extreme poverty, malnutrition and bad health. India has sufficient legal measures to safeguard child rights. India has ratified the human right convention namely the Convention on Rights of Child 1989. Constitution of India guarantees the fundamental right to education up to 14 years of age. Due to financial constraints large number of students drop out from the school. There are various legislations like The Juvenile Justice (Care and Protection of Children) Act 2000, The Right of Children to Free and Compulsory Education Act 2009, The Protection of Child Rights Act 2005, Prevention of Children from Sexual Offences Act (POCSO) 2012 and Prohibition of Child Marriage Act (PCM), 2006 which safeguards the basic rights of children. There are various labour legislations that regulate child labour. Bharatiya Nyaya Samhita provides stringent punishments for offences against children. Still there are gaps in implementation of laws. This paper examines how India's judiciary upholds children's rights as stipulated by both domestic and international law.

Keywords: Juvenile, education, child marriage, child sexual abuse, child labour

Introduction

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“Safety and security don't just happen; they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear.” —

Nelson Mandela, former president of South Africa.

The Indian legal system offers certain protections in recognition of children's vulnerability. Human rights documents, the Constitution, and general legislation do provide protection for children. The criminal offenses against children are consolidated in the Bharatiya Nyaya Samhita. We have a number of specific laws, such as the Child and Adolescent Labour (Prohibition & Regulation) Act 1986 The Juvenile Justice (Care and Protection of Children) Act, 2000, The Right of Children to Free and Compulsory Education Act 2009, The Protection of Child Rights Act 2005, Prevention of Children from Sexual Offences Act (POCSO) 2012 and Prohibition of Child Marriage Act (PCM) 2006 to safeguard the rights of children. There are various government scheme for the upliftment of children. Despite these measures, children faces problems like child labour, early marriage, domestic violence, sexual exploitation, begging, trafficking, forced labour, online violence, physical abuses, abandonment, malnutrition, drug abuse etc. The tender age and ignorance of child are abused. In majority of cases, the violence against minors is committed by those who are within the home or close relatives. There are certain harmful practices like female genital mutilation, female foeticide which can be considered as gender based violence against girl child. Preference of male child and demand of dowry are the reasons for female foeticide. Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 prohibits sex selection. Judiciary is giving a purposive

and liberal interpretation of laws to safeguard the rights of minor child in India.

Convention on the Rights of the Child 1989

Children are entitled to all human rights in the same way as adults. India is a signatory to the international documents like International Covenant on Civil and Political Rights 1966, International Covenant on Economic, Social and Cultural and Rights 1966 and The Convention on the Rights of the Child 1989. Article 25 of *Universal Declaration of Human Rights 1948* states that Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. Article 23 of *International Covenant on Civil and Political Rights 1966 (ICCPR)* provides that in the case of dissolution of family, provision shall be made for the necessary protection of children. Article 24 of ICCPR prevents discrimination in the enjoyment of rights. Article 10 of *International Covenant on Economic, Social and Cultural and Rights 1966 (ICESCR)* states that children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law.

The *Convention on the Rights of the Child (CRC)* 1989 applies to all human beings below the age of 18 years ^[1]. Articles 1 to 40 of CRC explains rights of child in a comprehensively. Article 3 of Convention says that “in all matters relating to child, the best interest of the child shall be the primary consideration. State, parents, legal guardian or other individual has a duty to protect the rights of child.” The child is entitled to all basic rights including right to life ^[2], freedom of expression, freedom of religion, freedom of association, right to privacy, freedom from physical or mental injury, violence, abuse, neglect or negligent

treatment, maltreatment or exploitation including sexual abuses ^[3], right to benefit from social security including social insurance and right to a standard of living adequate for the child's physical, mental, spiritual, moral and social developments ^[4].

Bhagwati, J. observed that "It is obvious that in a civilized society the importance of child welfare cannot be over-emphasized, because the welfare of the entire community, its growth and development, depend on the health and well-being of its children. Children are a 'supremely important national asset' and the future well-being of the nation depends on how its children grow and develop ^[5]."

The Constitution of India is based on the principle of social justice, equality, liberty and fraternity ^[6]. Articles 14 to 18 of the Constitution ensure equality of treatment. Article 19 of the Constitution guarantees fundamental freedoms. Every one is entitled to right to life and personal liberty under article 21 of the Constitution. Articles 23 & 24 of the Constitution guarantees protection from exploitation.

Prohibition of child labour

In *Re Children in Street Situations*, the apex court expresses its concern over the prevalence of child labour India and observed that Covid-19 had a devastating effect on children from the lower strata of society who have been suffering due to the loss of employment of their parents and closure of schools which has forced them into labour for survival. Directions were given for the rehabilitation of street children ^[7].

Article 32 of *Convention on the Rights of Child 1989*, states that child has a right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. In order to give effect to this principle, covenant gives certain guidelines like prescribing minimum age for employment, regulation of the hours and conditions of employment and punishments for violations.

International Labour Organisation (ILO) has drafted certain Conventions to prevent child labour. *Minimum Age Convention 1973* states that minimum age allowed for employment of child shall not be less than the age of completion of compulsory schooling which is not less than 15 years. If the economy and educational facilities of the States are not developed adequately, minimum age for employment can be fixed as 14 years ^[8]. The occupations which are likely to jeopardize the safety, health or morals of young persons, minimum age shall not be less than 18 years unless it is exempted by laws.

The Worst form of Child Labour Convention 1999 (ILO) acknowledges that elimination of worst forms of child labour is possible only by a comprehensive action. There should be free education, rehabilitation and social integration of the child free from such labour.

Article 3 of the convention explains worst forms of child labour as follow;

- a. All forms of slavery or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom, forced or compulsory labour including the recruitment of children for armed conflict.
- b. The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.

- c. The use, procuring or offering of a child for elicit activities, in particular for the production and trafficking of drugs.
- d. Work which by its nature or the circumstances in which it is carried out, it likely to harm the health, safety or morals of children.

Article 24 of the Constitution of India prohibits employment of a child below the age of 14 years in any factory or mine or in any other hazardous employment. Article 39(f) of the Constitution obliges the State to provide opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity and to ensure that childhood and youth are protected against exploitation and against moral and material abandonment.

Child Labour (Prohibition & Regulation) Act, 1986 prohibits the engagement of children up to 14 years in certain hazardous occupations and processes and to regulate the conditions of work of children in other employments. Government has enacted the Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force with effect from 1st September, 2016. The Amended Act, named as the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 covers complete prohibition on employment or work of children below 14 years of age in all occupations and processes for linking the age of the prohibition of employment with the age for free and compulsory education under Right to Education Act, 2009, prohibition on employment of adolescents (14 to 18 years of age) in hazardous occupations or processes and making stricter punishment for the employers contravening the provisions of the Act ^[9].

Bachpan Bachao Andolan V Union of India, is a public interest litigation (PIL) filed in the wake of serious violations and abuse of children who are forcefully detained in circuses without any access to their families under extreme inhuman conditions. There are instances of sexual abuse on a daily basis, physical abuse as well as emotional abuse. The children are deprived of basic human needs of food and water. Supreme Court has issued various guidelines and ordered that Central Government must issue suitable notifications prohibiting the employment of children in circuses within two months from the date of the order and frame proper scheme of rehabilitation of rescued children from circuses ^[10].

The Juvenile Justice (Care and Protection of Children) Act, 2000 penalises the exploitation of juvenile or child employee. "Whoever ostensibly procures a juvenile or the child for the purpose of any hazardous employment keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine ^[11]."

Child in need of care and protection & Juvenile in conflict with law

Juvenile Justice (Care and Protection of Children) Act 2000, a special legislation for children defines children as 'a person up to the age of 18 years. Section 2(d) of J J Act gives an extensive definition of child in need of care and protection to include child without any home or settled place or abode and without any ostensible means of subsistence or child who is found begging or who is mentally or physically challenged or who is victim of any armed conflict, civil

commotion or natural calamity or who is found vulnerable and is likely to be inducted into drug abuse or trafficking or who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts. Section 29 of the J J Act provides for Child Welfare Committee (C WC) to look after child in need of care and protection. Section 31 confers on CWC the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. Section 34 directs the State to establish Children's homes for the care, treatment, education, training, development and rehabilitation of child in need of care and protection.

In Re: Exploitation of Children in Orphanages in the State of Tamil Nadu V Union of India, Supreme court while dealing with child abuse in orphanages, observed that since the J J Act is a beneficial legislation for children and is intended to protect and foster their rights, the definition of a child in need of care and protection must be given a broad interpretation ^[12].

According to section 2(l) of JJ Act, 2000, juvenile in conflict with law means a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence. Section 4 of the Act provides for the constitution of Juvenile Justice Board to deal with juvenile in conflict With Law. Section 9 provides for Special Homes for reception and rehabilitation of juvenile in conflict with law. Act provides a child friendly procedure which for trial of offences.

Right to Education

Article 7 of the *Worst form of Child Labour Convention 1999* states that education has an important role in eliminating child labour. States shall ensure access to basic education, and wherever possible and appropriate vocational training for all children removed from the worst form of child labour. Article 24 of CRC 1989 imposes a duty on States to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents.

Article 28 of CRC guarantees the right of every child to equal opportunity to education. There shall be measures to encourage regular attendance at schools and the reduction of drop-out rates. The school authorities shall consider the dignity of child and their basic rights while imposing rules for student discipline. Primary education shall be compulsory and free. Government shall develop general and vocational education and offer financial assistance for those who could not afford the cost of education. Higher education must be accessible to all on the basis of capacity of the State. Students shall have access to scientific and technical knowledge. Children should be given environmental education. Article 29 of CRC declares that education of the child shall be directed to the development of the child's personality, talents, mental and physical abilities to their fullest potential.

Article 45 of the Constitution of India provides that “the State shall endeavor to provide early childhood care and education for all children until they complete the age of six years”. Article 21A guarantees the fundamental right to education. “The State shall provide free and compulsory

education to all children of the age of six to fourteen years in such manner as the State may, by law, determine”. It was introduced by the 86th Amendment Act of 2002.

In order to implement article 21A, the Parliament has enacted The Right of Children to Free and Compulsory Education Act, 2009. Section 3 of the Act provides that “Every child of the age of 6-14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education. No child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education.” Compulsory education means the following obligations of government. Government has the duty

- a. to provide free elementary education to every child of the age of six to fourteen years,
- b. to ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen year,
- c. to ensure availability of a neighbourhood school,
- d. to ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds,
- e. to provide infrastructure including school building, teaching staff and learning equipment,
- f. to ensure and monitor admission, attendance and completion of elementary education by every child,
- g. to ensure good quality elementary education conforming to the standards and norms specified,
- h. to ensure timely prescribing of curriculum and courses of study for elementary education and

provide training facility for teachers ^[13]. Section 17 of the Act protect the child from physical punishment or mental harassment. It is one the functions of the National Commission for Protection of Child Rights and State Commission for Protection of Child Rights to inquire into complaints relating to child's right to free and compulsory education.

Adoption of a child

Adoption of a child shall ensure the best interests of the child. Adoption can be made only on the informed consent of parents, relatives or legal guardians. If the child cannot be placed in a foster or an adoptive family or cannot be cared for in the child's country of origin, inter-country adoption may be considered subject to legal norms and procedure. Authorities shall rule out any kind of exploitation inter-country adoption and ensure the safety of child.

Hindu Adoptions and Maintenance Act, 1956 governs the adoption among Hindus in India. Section 6 of the Act explains the requisites of a valid adoption. Sections 7 and 8 deals with the capacity of a male Hindu and female Hindu to take in adoption respectively. Section 11 of the Act explains other conditions for valid adoption like age of adopting parents. etc. The provisions like sections 11 and 12 are aimed at safeguarding the rights of the child in the adopting family. Section 15 of the Act declares that adoption which has been validly made can not be cancelled by the adoptive father or mother or any other person. Section 17 prohibit any kind of payments or other reward in consideration of the adoption of any person. It is clear from the provisions that

the legislation tries to protect the rights of child and prevent commercialisation of adoption.

The secular law of adoption is contained in The Juvenile Justice (Care and Protection of Children) Act, 2000. Section 41 of the J J Act gives the conditions for adoption of a child. No child shall be offered for adoption until two members of the Committee declare the child legally free for placement in the case of abandoned children and till the two months period for reconsideration by the parent is over in the case of surrendered children, and without his consent in the case of a child who can understand and express his consent. The Central Adoption Resource Agency frames the guidelines for adoption so that the best interest of child is protected.

Section 42 of the J J Act allows foster care in which the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parent usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes. Section 43 explains Sponsorship to provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life.

The Guardians and Wards Act, 1890 explains the Fiduciary relation of guardian to ward. The guardian has the duty to look after the person and property of minor.

In *Lakshmi Kant Pandey V Union of India*, the Supreme Court has laid down elaborate guidelines on inter country adoption. It was held that inter-country adoption should be permitted after exhausting the possibility of adoption within the country by Indian parents. Court expressed its concern that Indian parents are not enthusiastic about taking a stranger child in adoption and they prefer to adopt a boy rather than a girl and they are wholly averse to adopting a handicapped child, with the result that the majority of abandoned, destitute or orphan girls and handicapped children have very little possibility of finding adoptive parents within the country and their future lies only in adoption by foreign parents^[14].

National Commission for Protection of Child Rights

Section 3 of the Protection of Child Rights Act, 2005 provides for the constitution of National Commission for Protection of Child Rights and section 17 of the Act provides for the constitution of State Commission for Protection of Child Rights. Section 13 of the Act explains the Functions of Commission.

The Commission shall perform all or any of the following functions, namely:

- a. examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- b. present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- c. inquire into violation of child rights and recommend initiation of proceedings in such cases;
- d. examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;

- e. look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
- f. study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- g. undertake and promote research in the field of child rights;
- h. spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;
- i. inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;

Commission has the power to inquire into complaints and take suo motu notice of matters relating to, -(i) deprivation and violation of child rights;(ii) non-implementation of laws providing for protection and development of children;(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children. The honourable Supreme Court was of the opinion that the Commissions were not discharging their duty properly due to various factors. In *Re: Exploitation of Children in Orphanages in the State of Tamil Nadu V Union of India* Supreme Court held that “. These Commissions are under an obligation to prepare annual reports and if necessary special reports but it has been pointed out that this requirement has hardly been implemented mainly because of a lack of interest that these Commissions have shown in functioning under the statute and also partly because of the large number of vacancies in these Commissions^[15].”

Lack of implementation of welfare legislation is a violation of human right. If the government is negligent in its duty, the aggrieved persons can approach the court for implementation of laws. In *Sampurna Behrua V Union Of India* the petitioner challenged the failure of State Governments to implement various provisions of the J J Act of 2000 including, the establishment of Child Welfare Committees, Juvenile Justice Boards, Special Juvenile Police Units, establishment of appropriate Homes for children in need of care and protection, improving the living conditions of juveniles in conflict with law, medical facilities for children in the custody of the State and several other human rights issues. Madan B. Lokur, J., observed that if the National Commission for Protection of Child Rights, State Commission for Protection of Child Rights, State Child Protection Society and District Child Protection Unit do perform their duties properly, there will not be any abuse of children^[16].

Health of the Child

It is well recognised that health is more than absence of sickness. A person can be healthy only when he enjoys physical and mental health and gets the opportunity to develop his life. Child has the right to the enjoyment of the highest attainable standard of health, to get the facilities for the treatment of illness, access to health care services and rehabilitation of health.

Convention on the Rights of Child(CRC) require that States shall take appropriate measures to diminish infant and child mortality, to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care, to combat disease and malnutrition within the framework of primary health care through the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution, to ensure appropriate pre-natal and post-natal health care for mothers, to give awareness on the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents, and to develop preventive health care, guidance for parents and family planning education and services^[17]. Children's physical and mental health should not be affected by climate change, pollution, unhealthy ecosystem or loss of biodiversity^[18].

Supreme court has held that right to health is apart of right to life under article 21 of the Constitution. In *Maniben Maganbhai Bhariya vs District Development Officer*, the apex court held that right to nutrition and healthcare constitutes the most basic and fundamental right of children. Reproductive health of the mother and the health of the infant child are closely related^[19].

Protection from sexual abuse

Art 34 of CRC deals with protection of child from all forms of sexual exploitation and sexual abuse. States shall take measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials. Art 36 of CRC imposes a duty on the States to protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare. Environmental harm and climate change can lead to unstable situations, conflicts and inequalities leaving children at the risk of psychological or physical violence art 19 right to freedom from all violence^[22].

The Prevention of Children from Sexual Offences Act (POCSO) 2012 protects children from offences of penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault and sexual harassment^[22]. Persons below 18 years of age will get the protection of this Act. The Act requires the immediate reporting of sexual assault to the police^[22]. Provisions of (POCSO) Act are in addition to the existing laws and in case of conflict, POCSO will prevail^[23].

Sections 13 to 15 of the Act deals with the offence of using child for pornographic purposes and its Punishment. As per Section 14 of the POCSO Act whoever uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall be liable to fine. Section 15 states that any person who stores, for commercial purposes any

pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both. Sections 19 & 20 of the POCSO Act imposes an obligation on persons, media, hotel staff, hospital staff, clubs and studios to mandatorily report or give information about any child pornographic material. It is mandatory that the Police shall report offences to the Child Welfare Commission (CWC) within 24 hours. Sections 21 penalises the failure to report it to the authorities.

According to section 30, the Special Court 'shall' presume that the accused had a culpable mental state. In criminal cases, usually it is the duty of the prosecution to prove the guilt of the accused. But in POCSO cases, accused has to prove his innocence. Sections 27 provides for medical examination of a child in respect of whom any offence has been committed and the procedure there of. Section 40 guarantees the right to legal aid for the child.

In *Just Rights for Children Alliance V S. Harish*, Supreme Court held that the mere viewing, possession and storage of material depicting minors engaged in sexual activity constitutes an offence under Section 15 the POCSO Act. The court made an in-depth analysis of statutory provisions that deal with child pornography. Section 15(1) penalises the "failure to delete, destroy or report" child pornography that is in the possession of an accused person. Section 15(2) penalises the actual transmission, propagation, display or distribution of the material. And Section 15(3) penalises the storage or possession of child pornographic material when it was done with a commercial intent. The Court directed the Ministry of Women and Child Development to implement comprehensive sex education programs to create awareness on legal and ethical ramifications of child pornography. It also directed that victims of child pornography be provided psychological counselling, therapeutic interventions, and educational support^[24].

According to the Ministry of Women and Child Development, Government of India, the Government blocks the websites containing extreme Child sexual Abuse Material (CSAM) based on INTERPOL's "Worst-of-list" shared periodically by Central Bureau of Investigation (CBI) which is the National Nodal Agency for Interpol. The list is shared with Department of Telecommunications (DoT), who then directs major ISPs to block such websites. Government ordered major ISPs in India to adopt and disable/remove the online C SAM dynamically based on Internet Watch Foundation (I WF), UK list. Ministry of Electronics and Information Technology (Meity) is implementing a major programme on Information Security Education and Awareness (I SEA)^[25].

Offences against child under The Bharatiya Nyaya Sanhita, 2023 (BNS)

The Bharatiya Nyaya Sanhita, 2023 (BNS) that repealed Indian Penal Code specifies the offences against children^[26]. Section 91 of (BNS) punishes acts performed with the intention of preventing a child from being born alive or causing its death after birth. Section 92 of B NS penalises the offence of causing death of quick unborn child by act amounting to culpable homicide. Section 93 of BNS deals with the offence of exposure and abandonment of a child under twelve years of age by a parent or guardian. Section 94 of BNS states that concealment of birth of child by secret disposal of dead body is a punishable offence. According to

Section 95 of BNS employing, hiring, engaging of a child to commit an offence is punishable. Section 96 of BNS penalizes inducement of a minor girl under the age of 18 years with intention that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person. Section 97 of BNS deals with the offence of kidnapping a child with the intention of stealing some moveable property from him. Section 98 of BNS punishes the selling of a minor for purposes of prostitution and section 99 of BNS punishes the buying of a minor for purposes of prostitution

Conclusion

A country's human resources determine its level of development. Every society's prosperity depends on the protection of children and young people. In India, the judiciary protects the Constitution and fundamental rights. The recent decision of the Supreme Court that the mere viewing, possession and storage of material depicting minors engaged in sexual activity constitutes an offence under section 15 of the Prevention of Children from Sexual Offences Act is considered as a landmark judgement in child rights. Additionally, the ruling reinforced the Information Technology Act to curb child pornography. It can be seen that the apex court has taken suo motu cognisance of various issues on child rights. The Court entertained various public interest litigations and appreciated the initiatives of different organisations and public spirited persons in highlighting the rights of street children, migrant children, the refugee children, the disabled children and abandoned children.

We are having adequate laws to protect children. There are various authorities like Child Welfare Committee, Juvenile Justice Board, Child Protection Commissions and Child Marriage Prohibition Officers to safeguard children. The National Food Security Act 2013 provides nutritional security to children. There are many administrative measures to improve the health and nutrition of children. Children shall be given education on their basic rights, sexual and reproductive health, gender relations, sexual behaviour, sexually transmitted diseases, nutrition, environmental issues, and legal remedies available to them. Children's rights are violated when child-centric laws are not properly implemented. The general people will be aware of the law. Girls are more susceptible to gender-based violence when sex education is not taught in schools.

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