

Welfare State and Child Right to Education in India: An Overview



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Abstract

No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime. Young people must be included from birth. A society that cuts-off from its youth severs its lifeline.

-Kofi Annan

The welfare of the entire community, its growth and development, depends on the health, strength and well being of its children. The prosperity and development of any country certainly depend upon "Human development" or the wellbeing of its people in general and children in particular, than the development of their military or economic strength or the splendor of their capital cities and public buildings. "Children are the greatest gift to the humanity and they are the representation of the beautiful creation of God. In India, there are various constitutional provisions in Part III and Part IV providing for fundamental rights and directive principles of State Policy, which are relevant for the elimination of child labour. This paper explore the concept of Welfare state and Child Right to Education in India.

Keywords: Welfare state, Human development, Fundamental Rights, Directive Principles of State Policy Child Right to Education.

Introduction

In order to protect and secure human rights of the children, there are various international instruments regulating child labour. Universal Declaration of Human Rights, 1948 had proclaimed that childhood was entitled to special care and protection. The U.N. Convention on the Rights of the Child, 1989 proclaims in Article 6, that every child has the inherent right to life and that the State parties shall ensure to the / maximum extent possible the survival. Article 32 of the Convention on ' the Rights of the Child mandates that the State parties, "to recognise the right of the child to be protected from economic exploitation and from performing any, work that is likely to be hazardous or to interfere with the child education, or to be harmful to the child's health or physical, mental, spiritual, moral and social development". The Government of India has ratified United Nations Convention on the Rights of the Child in December, 1992 and undertakes to initiate measures to progressively implement the provisions of Article 32.

The Convention on the Rights of the Child is really a '*Magna Carta*' and it is a most important human rights document focusing and concentrating on-children. The Convention on the Rights of the Child is the most complete statement of child rights ever made. It is indeed an innovative document in overall human rights theory and practice.

Article 24 of the Constitution which prohibits the employment of children in factories, provides "no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment". In the year 2002, the Indian Constitution, through its 86th Amendment Act, has made "Right to Education a Fundamental Right". Article 21-A of the Constitution provides that "the State shall provide free and compulsory education to all children of age of 6 to 14 years in such manner as'the State may, by law, determine". Article 45, a directive principle, imposes an obligation on the state to endeavour to provide early childhood care and education for all children until they complete the age of six years. In pursuance of this the Parliament has enacted the Child Labour (Prohibition and Regulation) Act, 1986 which prohibits the employment of children in certain employment and to regulate the conditions of work of children in certain other employments. It prohibits the employment of any person who has not completed his fourteenth year's of age,' in occupation and processes set forth in Part A and Part B of the Schedule of the Act. The National Policy on Child Labour, 1987 focuses mainly on three welfare aspects of the child. Firstly, on the enforcement of child labour; secondly,

on the families of the child labourers to avail the benefits of welfare and development programmes meant for this purpose; and thirdly, to take-up projects in areas of child labour concentration¹.

Government of India in 2002 amended the Constitution by 86th Amendment Act, 2002. In pursuance of this, in August 2009, Parliament has enacted, Children's Right to Free and Compulsory Education Act, 2009 which makes access to education a fundamental right from 1st April, /2010 and places the obligation of enrolment of every child in school on the Government. The Commission for Protection of Child rights. Act, 2005" was enacted by the Parliament which provides for the constitution of a National Commission and State Commission for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto. In spite of having various international instruments, constitutional provision' both as fundamental rights and directive principles of state policies, plethora of legislations, Government policies and programmes, practice of child labour is perpetuating even after attaining independence for 66 years. The problem has become a harsh reality and cause of severe (violation of human rights of children.

Objective of The Study

1. To explore the different Welfare state provisions under the constitution and their relevance in India.
2. To discuss the various aspects of Child Right to Education in India.
3. To contextual the law relevancy to Child Right to Education in India need economic based new and under law the manful discourse.
4. To explore under the international legal frame and national legal frame with reference to child right to education.

The Legal Definition of a Child

All social backgrounds and culture of the society equally contribute the view that the younger children are more vulnerable and exploitable, both physically and psychologically. Age limits are a form and reflection of society's judgments of the evolution of children's capacities and responsibilities. Almost everywhere age limits formally regulate children's activities: When to join and leave the school; when they can marry; when they can vote; when they can be treated as adults by the criminal justice system; when they can join the armed forces and by the criminal justice system; when they can work but age limits differ from activity to activity and from country to country². While making use of standard demographic data, social scientists include females, in the age group of 15-19 years under the category of the girl child. Most of the government programs on children are targeted for the age group below 14 years.³ The legal concept of child varies depending upon the purpose: Whether it is for imposing legal disabilities, (in the political rights sphere), for spelling out duties and obligations (e.g. In the Juvenile Justice System), for affording protection (e.g. from exploitative or hazardous employment), or for establishing eligibility

to receive benefits or special services. (e.g. health, education and maintenance benefits)⁴. The primary definition of child is the immediate progeny of human parents. The ordinary meaning of "Child" or Children refers to parentage and embraces only the first generation of the offspring. The Primary meaning of the word "Child" is an infant and that the text allowable use in meaning is one of tender years, young persons and a youth.⁵ Black's Law Dictionary defines the term "Child" as Progeny: Offspring of parentage. Commonly it implies one who had not attained the age of fourteen years, though the meaning now varies in 'different "statutes". The Shorter Oxford Dictionary defines 'person' in two ways: 'an individual human being or a man, woman or child'. The Webster's New World Dictionary defines a child as inter a/ia 'an unborn offspring'. The American Bar Association's Standards Relations to Rights to Minors proposes that, "all persons who have attained the age of eighteen years should be regarded as adults for all legal purposes"⁶.

The word 'Child' has been used in various legislations as a term denoting relationship, as a term indicating capacity and as a term of special protection. Relationship of child is with the parents, relatives, community and nation. Capacity is a term of status, competency find variations in view of age, maturity, understanding causing temporary disabilities etc...these makes viewing children as a 'burden' which invokes rights to maintenance and support. Further, it leads to temporary disabilities to the children which demands special treatment and special discrimination. Children are most vulnerable and exploitable which requires protection of their rights. Thus, recognising children as resources for the country's development necessitating their nurturing and advancement.⁷ As per accepted definition 'child' means someone who needs adult protection for physical, psychological and intellectual development until able to become independently integrated into the adult world.⁸

The Constitution of India under Art., 24 defines 'child' as any one below the age of 14 years and who shall not be employed to work in any factory or mine or engaged in any other hazardous employment. Article 21-A of the Constitution states that, 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.⁹ Article 45 of the Constitution states that, the state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.¹⁰ Article 51-A clause (K) of Constitution lays down a duty that the parents or guardians should provide opportunities for education to his child/ward between the age of six to fourteen, years.¹¹ According to Art, 1 of the United Nations Convention on the Rights of the Child 1989, A child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier".¹² The Article thus grants the discretion to individual countries to determine by law whether childhood should cease at 12, 14, 16 or whatever age they find appropriate. In India, the age at which a person ceases to be a child varies in

different laws. The Census of India, 2001 treats persons below the age of 14 years as children.¹³ The Indian Penal Code defines that it is not an offence by a child under 7 years of age and further not, an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge the nature and consequence of his conduct, on that occasion.¹⁴ The Juvenile Justice Act, 1986 defines Juvenile as a boy who has not attained the age of 16 years, and a girl who has not attained the age of 18 years.¹⁵ The Juvenile Justice (Care and Protection of Children) Act, 2000, defines Juvenile or child as a person who has not completed eighteenth year of age.¹⁶ The Child Marriage Restraint Act, 1929 defines 'Child' as a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age and 'minor' means a person of either sex who is under eighteen years of age.¹⁷ Similarly, under The Prohibition of Child Marriage Act, 2006, "Child" means a person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age.¹⁸ Under Child Labour (Prohibition and Regulation) Act, 1986 'Child' means a person who has not completed his 14th year of age.¹⁹ Factories Act, 1948 defines 'child' as a person who has not completed his fifteenth year of age and no child who has not completed his fourteenth year shall be required or allowed to work in any factory.²⁰ Further, The Factories Act, 1948 distinguishes between 'child', 'adolescent' and 'adult'. 'Child' is a person who has not completed the age of 15 years; an 'adolescent' is a person who has completed the age of 15 years, but is below the age of 18 years, and an 'adult' is a person who has completed the age of 18 years. The Act defines a young person as one who is either a child or an adolescent. A child below the age of 14 is not allowed to work in a factory. A child above the age of 15 and below the age of 18 cannot be employed to work for more than four and half hours and cannot be employed during the night.²¹ Mines (Amendment) Act, 1952 defines Child means no person below eighteen years of age shall be allowed to work in any mine or any part thereof.²² The Constitution regards a person as child until 14 years. India has now recognized that the period of childhood and the protection it should imply extend to the age of 18 years. The National Plan of Action 1. or Children, 2005 officially acknowledges this higher age ceiling.²³

From the above analysis it is observed that there is no criteria or scientific parameters in defining the age of the child and is not uniformly defined in various laws. The age of the child has been differently defined in different laws. Different Indian Laws have varying versions on when a child 'turns adult'. Some laws say the age of attaining adulthood is fourteen, while in other it ranges between sixteen and eighteen.²⁴ The Child Labour (Prohibition and Regulation) Act, 1986 has an altogether different definition. Only those below a fourteen are considered as children. Children between 14 and 18 are still are now allowed to work in hazardous industries.²⁵ The age 14 was fixed may be on the ground of biological

aspect. The Child Labour Act does not specify the minimum age of employment of children in the occupation and process other than the prohibited ones. Since this legislation was enacted way back in the year 1986, age of the child under this legislation continued and remains a debatable concept.

Sec. 361 of IPC is confusing as it gives different definitions with regard to age of boy child and girl child. There is no gender parity in IPC for children. Most law enforcers wonder how to deal with girls between 16 and 18 years, caught in prostitution rackets or rescued from trafficking. There is a confusion and difference between the IPC and Immoral Traffic Act. There is an inherent contradiction in the IPC, while sex with a girl who is 16 or younger is considered rape, in the case of married woman the offence can be registered only if she is less than 15. This is contradictory to the provisions of the Prohibition of Child Marriage Act, 2006 which says that the legal age of marriage is 18. Further the age of marriage for boy is 21 years and for girl is 18²⁶ Years which is differently defined under the present legislation, The Prohibition of Child Marriage Act, 2006. As such the age of the marriage for both boys and girls should be made 18 years, as there is no scientific reason why this should be different²⁷ and there is no justification for defining the age of the child differently. At the age of 18 girl child do not complete her education and hence this provision deprives the girl child of opportunities to growth and development.²⁸ Further the legalization of the Prevention of The Immoral Trafficking Act is also under debate. Sec. 7(aa) states, that "child" means a person who has not completed the age of sixteen years. There are no different provisions for women and girl children. So, while the age for voting and marriage is put at 18, this Act defines the age of the girl child at 16! Maximum punishment for procuring a girl child under the age of 16 is 5 years. But under the Prevention of Immoral Trafficking Act, it can go till 7 years and continue till life. Detaining a child under this Act' is a crime. Similarly, if a child is found in a brothel, it is assumed that it is for commercial exploitation.²⁹ The Indian Penal Code defines the punishment for procuring a minor girl, for illicit intercourse, importing of a foreign girl from other country. Sec. 366-A which states - "procurement of minor girl - girl below the age of 18 years with, the intent of illicit intercourse with another person-punishable with imprisonment of 10 years and fine". Sec. 366-B states-"importation of girl from foreign country-outside India-under the age of 21 years with intent of illicit intercourse with another person-punishable with 10 years imprisonment and fine". The age of a foreign girl is put at 21 years old. The offence is same, but an Indian girl is created differently. Also, the courts have refused to change the definition of Rape.³⁰

In the Child Marriage Restraint Act, 1929 there is difference between the age of the boy and that of the girl. The minimum age of marriage for girls is 18 but the age of sexual consent under the rape laws is 16 and it is 15 if she is married.³¹ Thus Child Marriage Restraint Act, 1929 itself is a very weak and dilatory. Child Marriages are valid even though there

is prescribed minimum age of marriage. The procedure to prevent child marriages are very cumbersome and time consuming. Illiteracy and or Boxy of the people have proved to be other stumbling blocks.³²

There is a disparity of age of the child in child labour laws and Juvenile Justice laws. In the existing Child Labour (Prohibition and Regulation) Act, 1986 those below 14 years of age are considered as child labourers but the Juvenile Justice Act considers 18 as the age bar, may be on the ground of the legal aspect. Further the Right to Education Act, 2009 narrows the definition down to persons between six to fourteen years. Though the Act expresses interest in taking necessary steps in providing free pre-school education for children above 3 years of age, leaving out this critical segment of the child population from the definition is worry some not only does the Act fail to cover all children, does not provide definite timeless for many provisions³³.

The definition of children given under Child Labour (Prohibition and Regulation) Act, 1986 is in contradiction with United Nations Convention on Rights of the Child, 1989 and Juvenile Justice (Care and Protection of Children) Act, 2000. Other legislations concerning child labour include: The Factories Act, 1948; The Mines Act, 1952; The Plantation Labour Act, 1951; The Merchant Shipping Act, 1958, The Motor Transport Workers Act, 1961; The Beedi and Cigar Workers (Conditions of Employment) Act, 1966; The Bonded Labour System (Abolition) Act, 1976. All these Acts prohibit employment of children under 14 years only, which is not in accordance with the United Nations Convention on the Rights of the Child and the Juvenile Justice legislation in India. Therefore, an amendment to these Acts is required for ensuring that children are protected from economic exploitation and their rights are not violated.³⁴

Thus clarity is missing on the basic understanding of 'who is a child'.³⁵ The different connotations, versions defining 'child' invites gaps in legal procedures, provides scope to the vested interests and guilty to escape from prosecution and punishment. This further consequently causes injustice to the children. The UN Convention on the Rights of the Child mandates, the age of the child should be 18 years and 'best interest of the child's be adhered in all situations, and the Convention was ratified by Government of India and is signatory. So the definition of the interest of the child' be adhered in all situations, and the Convention was ratified by Government of India and is signatory. So the definition of the term, 'child' be brought in conformity with Convention on the rights of the Child viz. "below 18 years of age". By establishing one standard "age of majority".³⁶

Definition of Childhood

Child is called the father of man, but it is more proper to call it as father of whole mankind. Child's innocence and smile assures us of great future. Childhood is the most precious stage of a person's life. Therefore, the guardians of the children including the Government must fulfil the Constitutional

obligation of ensuring right to life" for them. "Childhood is the foundation of hopes for better future".³⁷ Childhood was considered to be golden age in individuals' life history natural right rather than adulthood. Every child has to enjoy the childhood, as it is the basic and natural right of a child for building the personality of a person, childhood is very remarkable bearing. This demands proper environment and atmosphere and the child is suppose to have the love, care, protection, education and nurturing too. Parents owed responsibility to provide opportunity to the child to grow and develop in a environment which is healthy, safe and from danger/violence free.

Undoubtedly childhood is the golden period of physical, mental and moral growth. M. Edwards³⁸ rightly observes: "Children are the future: childhood is a once-and-for-all biological window of opportunity for investment in human beings. Losses incurred can never be made good and a failure to support children as children will have permanent effects on society's capacity to develop".

Justice V.R. Krishna Iyer says that: "A generation which fails to recognize that the baby is its first charge is lost in barbarity. The hall-mark of culture and advance of civilization consists in the fulfilment of the obligation to the young generation by opening up all opportunities for every child to unfold in its personality and rise to its full stature-physical, moral, mental and spiritual". He further adds that it is the birth right of every child to get justice from the world as a whole.³⁹

The Right to childhood is a sacred entitlement of mankind. Children arc not just tomorrow's citizens but today's as well. Childhood is more than just the time before a person is considered an adult. It means more than just the time between birth and the attainment of adulthood. Childhood refers to the state and condition of a Child's life: To the quality of those years. Childhood implies a separate and safe space, demarcated from adulthood, in which children can grow, play and develop.⁴⁰

The Directive Principles of State Policy under Constitution are basic cardinal Principles of justice as they stand for guarantee to safeguard the interest of women and children. The tender age of children are not be abused and not forced by economic necessity to inter avocations unsuited to their age or strength.⁴¹

In *Sheela Barse v. Union of India*,⁴² the Supreme Court called upon the state governments to bring into force and to implement vigorously the provisions of the Children' Acts enacted in various states to implement the directive contained in Article 39(f) of the Constitution that, "the state shall direct its policy towards securing that Children are to be given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment by the state.

Though it is a matter for the state government to decide as to when a particular statute should be brought into force, the court felt it appropriate that every state should bring the Act into

force without any delay and administered in accordance with provisions contained therein.⁴³

State has to provide early childhood care and education for all children until they complete the age of 6 years.⁴⁴ Way back in the year 1948, The United Nations General Assembly had adopted the Universal Declaration of Human Rights which contains specific references about children and their rights. "Motherhood and Childhood are entitled to special care and assistance", and adds that "all children whether born in or out of wedlock shall enjoy the same special protection".⁴⁵

Judiciary has laid down various guidelines on the concept of childhood. In *Bandhua Mukti Morcha's case*⁴⁶ Justice RN. Bhagwati has held that: right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Article 41 and 42 and at least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity..." The observations made by the Supreme Court in another judgment in *Bandhua Mukti Morcha v. Union of India*,⁴⁷ are relevant in the context, which read: "The child of today cannot develop to be a responsible and productive member of tomorrow's society unless an environment conducive to his social and physical health is assured to him. Every nation, developed or developing, links its future with the status of the child... Neglecting the children means loss to the society as a whole If children are deprived of their childhood-socially, economically, physically and mentally-the nation gets deprived of the potential human resources for social progress, economic empowerment and peace and order, the social stability and good citizenry. The founding fathers of thy' Constitution, therefore, have emphasized the importance of the role of the child and the need of its best development;. The Supreme/ Court of India in *Rosy Jacob v. Jacob A. Chakramakkal*,⁴⁸ observed that: "The children are not mere chattels: nor are they mere play things for their parents. Absolute right of parents over the destinies and the lives of their children has, in the modern changed social conditions, yielded to the considerations of their welfare as human beings so that they may grow up in a normal balanced manner to be useful members of the society..."

Childhood-Growth of Children

Children are innocent, trusting and full of hope, this childhood should be happy and loving their lives should mature gradually, as they gain new experiences. But for many children, the reality of childhood is altogether different. Right through history, children have been abused and exploited. They suffer from hunger and homelessness; work in harmful conditions, high infant mortality, deficient health care and limited opportunities for basic education. A child

need not live such a life. Childhood can and must be preserved. Children have the right to survive, develop, be protected and participate in decisions that impact their lives. Children should be carrying books, not bricks. They should be playing with footballs not stitching them. They should be sitting inside the classrooms, and not sweeping them.⁴⁹

Our two great epics *Ramayan and Mahabharata* also appraised the Indian view of childhood regarding intense parental longing for children, and their upbringing is characterized by affectionate indulgence.⁵⁰ The ancient rulers King Ashoka, (268-31 B.C.), Chandragupta Vikramaditya (A.D. 375-415) stressed on loyalty and obedience by children to their elders. This was also considered not only a moral but also socially approved and valued behaviour.⁵¹

Children rarely figured as individuals in their own rights, with activities, reactions and feelings separate from those of their all powerful parents.⁵² Rama's love for Lava and Kusha, Prabhakaravardhan's love for his son, Harsha and Kanwa's love for his daughter Shakuntala are well known examples.⁵³ The songs of Surdasa on Krishna's childhood and that of Tulasidasa on Rama's childhood, which are rich resources for childhood.⁵⁴

The ideals of childhood are one of love, care and protection, in a family environment with ample scope to survive growth, develop and participate. Childhood as a time when children are allowed to grow and develop to their full potential; healthy children in school and at play, growing strong and confident with the love and encouragement of their family and an extended community of caring adults gradually taking on the responsibility of adulthood, free from fear, safe from violence, protected from abuse and exploitation. Firstly, childhood is an empty word and broken promise. Secondly, childhood is the foundation of the world's hope for better future.⁵⁵ There is a gap between the reality and ideal childhood. Childhood implies a separate and safe space, demarcated from adulthood, in which children can grow play and develop. A new definition of childhood based on human rights is reflected in the Convention on the Rights of the Child, adopted by the UN's General Assembly in 1989. The Convention is the First International Human Rights treaty to bring together the Universal set of standards concerning children in a unique instrument and the first to understand child rights as a legally binding imperative.⁵⁶ The Convention on the Rights of the child defines childhood as separate space demarcated from adulthood. In *M.C. In Mehta v. State of Tamilnadu and others*,⁵⁷ Supreme Court had opened the paragraph of the Judgment with a beautiful poem by Mamie groomed, and receive education and nutrition, so as to enable the petals Gene Cole, it proceeds with the importance of the statement, "Child is the of the man". It proceeds to emphasize how a child be groomed, and receive education and nutrition, so as to enable the petals of childhood to blossom to the flowers of youth and manhood.

Child Welfare in India

Prior to independence, there were only small groups of voluntary workers in India, who took care of feeding of needy children and educational facilities for the handicapped in 1920, Balkanji Bari, the first children's organisation was formed in Bombay. In 1924, The Guild of Service started its child welfare services in South India. In 1927, The Children's Aid Society took vagrant children in residential care at Bombay. It was only in 1952 that the Indian Council for Child Welfare was formed, the first national organisation to mobilise voluntary activities in favour of various aspects of children's needs. The Central Social Welfare Board (CSWB) was established in 1953. It was wholly supported by government finance with a small staff at Centre and in the States and assisted by thousands of unpaid women workers. Childcare programmes and projects, such as, rural balwadis, holiday homes and grants to over 7,000 non-governmental agencies etc., were apart of its programme.

After Independence in 1947, as per the Directive Principles of State Policy in the constitution, the Government laid down its objectives. The Planning Commission was set up in 1950, under the chairmanship of Prime Minister Jawaharlal Nehru and the formulations of Five Year Plans began. The major responsibility for developing child welfare services was placed on voluntary agencies.

The First Plan recognised the need for strengthening of the infrastructure of various national level voluntary agencies working in the field of child development. Maternal and child health services were in the fore front of the health programme during the plan period.

The second plan laid greater stress on services for handicapped children through expansion of institutional programmes and creation of additional facilities like schools for deaf and blind children, scholarship for handicapped children and training teachers for physically and mentally handicapped school children. The Third Plan stressed the importance of welfare services being community and family oriented. The ICCW started the demonstration projects for child development during this plan. The scheme of Balasevika Training (for running balwadis) was also introduced during this plan period.

The Fourth Plan accorded highest priority to Family Planning Programme, where the schemes for immunisation of children and mother were also implemented. Special funds were earmarked under this plan for institutional and non-institutional services for destitute children. During the Fifth Plan, Health, Nutrition and Family Planning were integrated for best results and children being a vulnerable group, were provided special attention. During this plan and the subsequent ones, a lot of progress was made through the ICD,S scheme.

Constitutional Provisions and Legal Framework

In order to protect best interest of children and their childhood the Constitution of India, the fundamental law of India, came into effect on 26th January 1950, which provides measures to protect for the rights of the citizens. These rights include right to

equality (Article 14), right to freedom including freedom of speech and expression Article 19(1)(a), personal liberty, right to due process of law including right to life (Article 21), right against exploitation (Article 23), religious, cultural, educational rights (Article. 29); and right to Constitutional remedies (Article 32): In addition to above basic rights the Constitution provides certain fundamental rights especially for children. As this class is vulnerable for various kinds of exploitation, due to their physical and mental immaturity, they need special protection. Article 15 of the Constitution prohibits discrimination of citizens on the grounds only of religion, race, caste, sex, place of birth, or any of them. But clause 3 adds: 'Nothing in this Article shall prevent the state from making any special provision for women and children! Therefore, laws can be made giving special protection to children. These rights are included in Part III and Part IV of the Constitution. The fundamental rights in Part III are enforceable in courts whereas the Directive Principles of State Policy in Part IV are guidelines and principles that are fundamental to the governance of the country. It is the duty of the state to apply these principles in making laws. If the fundamental rights are violated, a writ petition can be filed in the Supreme Court or the High Court Arts. 32 and 226. Under the Constitution, it is the duty of the state to secure that children of tender age are not abused and forced by economic necessity to enter vocations unsuited to their age and strength Art. 39(f). Rights provided under Part IV (Directive Principles) of the Constitution can be read into the fundamental rights provided in Part III and thus become enforceable in courts. Because of judicial interpretation, many of the directive principles have now become enforceable through legal actions brought before the courts (for example, the right to education). There are certain aspects relating to children that are dealt with in the state and concurrent lists of the Constitution of India. It is estimated that there are more than 250 Central and state statutes under which the child is covered in India.

Conclusion

In a civilised society, the importance of child welfare cannot be underestimated because the welfare of the entire community, its growth and development, depends 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.

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