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**INTRODUCTION TO INNOVATIVE PROJECTS**

**SLOT-TD1**

**Project Review-Final**  
**Child Protection**

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# Introduction

## **What child protection laws are in India?**

We have seen a tidal change in laws, regulations, and the acknowledgement of human and child rights throughout history. We've moved away from common law principles that favored the powerful, and toward a rights-based approach. Whatever assistance was provided to vulnerable communities, including their children, was based on the charity and mercy of the dominant sectors of society. The Indian Constitution, which went into effect on January 26, 1950, protects children's rights. Article 21-A provides all children aged 6 to 14 the right to a free and compulsory primary education. Article 24 (a) guarantees the right to be protected from hazardous work until the age of fourteen. Furthermore, children enjoy the same rights as all other Indian adults. Among these are the rights to equality (Article 14), personal liberty and the rule of law (Article 21), and protection from human trafficking and bonded labour (Article 23), among others. In India, child protection laws are enacted in accordance with constitutional principles to protect children's rights. In India, more than 250 statutes dealing with children have been passed by the Union and State governments. We also have other criminal laws that safeguard children in addition to these child protection laws. The Indian Penal Code of 1860, the Indian Evidence Act of 1872, and the Criminal Procedure Code of 1973 are among these statutes.

Right to education was only the provision in the Directive Principles of State Policy which had a period of ten years within which the State had to fulfill the mandate to provide free and compulsory education. We now have the Right to Education under the fundamental rights, making it a justiciable right under Article 21a. The Right to Education Act, 2009, also known as RTE Act describes modalities of the importance of free and compulsory education for children aged between 6-14 years in India.

## **List of child protection laws**

- Some of the laws passed by the Union Government include the following:
- Children Pledging of Labor Act, 1933
- This Act prohibits the pledging of the labor of children.
- The Immoral Traffic (Prevention) Act, 1987

- This Act seeks to stop trafficking in young persons, both boys and Girls
- Child Labour (Prohibition and Regulation) Act 1986
- This Act prohibits children's engagement in certain kinds of employment and regulates the conditions of work of children in certain other employments.
- Prohibition of Child Marriage Act, 2006
- This Act follows the basic premise (a) to make a child go through marriage is an offense, and (b) child or minor is a person up to 18 years of age in the case of girls and 21 years in the case of boys.
- Right of Children to Free and Compulsory Education Act, 2009

### **Protection of Children from Sexual Offences Act, 2012**

The Protection of Children from Sexual Offences (POCSO) Act was passed to prevent youngsters from being sexually exploited or abused. A child, according to the Act, is anyone under the age of 18. The Act distinguishes between various types of sexual abuse. The Act includes requirements for promoting a child-friendly environment throughout the judicial process and preventing victimisation. The law attaches paramount importance to the best interests of the child. Therefore, it includes child-friendly mechanisms for reporting, taking evidence, investigating, expedited trials for crimes and trials in camera without revealing the identity of the child through designated special courts. Juvenile Courts (Care and Protection of Children) Act, 2015: The Juvenile Courts (Care and Protection of Children) Act came into force on 15 January 2016. Its purpose is to ensure the care, development and social reintegration of children in difficult circumstances through a child-centered approach. The law divides the term 'child' into two categories: 'child in conflict with the law' and 'child in need of care and protection'. This law contains provisions to protect children from any form of punishment. The Child Abuse Act is one such law under this provision.

# Our Analysis

## **Status of Child Protection in India**

While the World has made significant progress in education, nutrition and child health in the past decade, India has been ranked 112 in the Child Development Index. Despite child protection act, we witness various forms of child rights violations, including the denial and inability to access the right to food, right to education, right to health and rights against exploitation. While our Constitution and various Union and State laws have provided the legal framework that allows us to ensure that all children have a safe and nurturing context to enjoy their childhood, still vast sections of children remain deprived of their rights.

## **What is Needed to Promote Child Protection?**

While the constitutional and judicial framework has ensured criminal and political rights, a lot of extra wishes have been accomplished to give certain social and financial rights to inclined groups to make certain that the rights of all kids are secured. Legal reform by myself couldn't convey extradate withinside the rights of kids. As Dr B R Ambedkar says, “We should make our political democracy a social democracy as well. Political democracy can't be final except there lies at the bottom of its social democracy.”

## **Preventing Abuse :-**

- Of course, any child-aid organization's ultimate purpose is to eliminate all forms of abuse. CI believes that we must do everything we can to reduce incidences of child abuse as much as possible in order to protect children. Education is the cornerstone of our strategy.
- Children, professionals, and volunteers are taught how to spot and prevent child abuse.
- Providing opportunities for children to participate in programmes that teach them about their rights, personal safety methods, and what to do if they have a problem.
- Children, employees, and members of the community are encouraged and supported to report situations of abuse.

- Other CI programmes should incorporate kid protection information. This allows us to reach a larger audience while also reinforcing the significance of kid safety.
- All children and teenagers, regardless of gender, sexual orientation, handicap, race, or religion, are welcome to participate in programmes.

## Articles:

### [1]. **20,000 street children identified, in process of rehabilitation across India: NCPCR**

About 20,000 street youngsters are known across the country until recently and are within the method of obtaining rehabilitation, in keeping with NCPCR presiding officer Priyank Kanoongo. Talking to PTI on things of street children in India, the same internet portal 'Bal Swaraj' has been created for street children wherever their data is often uploaded and that they can be tracked, and work can be done towards their rehabilitation. The senior official, however, ruled that states aren't operating effectively towards distinctive and rehabilitating such children. "States are not working as effectively as they must be. We want it to be done as soon as possible. States are being pushed to do it immediately. Madhya Pradesh and some areas of West Bengal have done good work for their rehabilitation, but Delhi and Maharashtra are not doing anything," he said.

Kanoongo jointly affirmed that thanks to the inaction of the city government, solely 1,800 kids are brought into the process, whereas 2 years back, we tend to be told that 73,000 children were living on Delhi streets. He calculates that around 15-20 large integer children live on the streets of India presently. "Among the street children, we basically found three types of children -- first who ran away from their homes or have been abandoned and are living on the streets alone; second those who are staying with their families in streets and their whole family hussles on the streets; and the third category is those who live in nearby slums, so in day time, they are on streets and at night, they go to their homes," he said. He also added that the National Commission for the Protection of Children's Rights (NCPCR) prepared a rehabilitation plan for these three categories of children.

### [2]. **Over 5,000 kids in Maharashtra live on streets: Survey**

MUMBAI: State Minister for Women and Child Development Yashomati Thakur told the State Assembly on Wednesday that a survey by the National Committee for the Protection of Children's Rights that began in November 2021 found that 5,153 children in the state are living with their families on the streets, and only 1,266 can sleep at night in emergency shelters.

Bis 39 had no guardian. In response to calls for more anganwadis, Thakur said the state's demands are pending with the center.

**[3]. Delhi: Notice to hospital as newborn ‘denied’ care**

NEW DELHI: The Delhi Children's Legal Protection Commission has notified a private hospital for allegedly refusing medical treatment to a newborn.

In the notice, DCPCR said, “On February 4 around 10.15 pm, a woman had delivered the child prematurely and she was in urgent need of medical care and attention. She was taken to Madhukar Rainbow Children’s Hospital wherein the hospital administration denied admission to the patient on the ground of alleged non-vacancy of economically weaker section (EWS) beds and demanded Rs 1 lakh from the patient belonging to EWS category as part of the admission process of the hospital.” However, a hospital official said, “The baby girl was born preterm at home at 30 weeks of gestation on January 29 and was initially being taken care of at home. As she was unwell, she was taken to different hospitals and finally got admitted in NICU of Madhukar Rainbow Children’s hospital on February 4 under EWS scheme. Her weight was 1,637 grams then. She has been ventilated since admission and is on antibiotics and multiple inotropes. She is still critically ill. A team of neonatologists is taking care of her.”

**[4]. Give relief to kids on streets without delay: SC to DMs**

NEW DELHI: The Supreme Court on Monday rebuked states and union territories (UTs) for not doing enough to identify and rehabilitate children forced to live on the streets. The court reminded them that it was their duty to provide them with food and shelter.

A panel of Justices L Nageswara Rao and BV Nagarathna ordered the state and UT governments not to treat this issue as "normal business" and to go the extra mile to reach these children. According to the National Commission for the Protection of Children's Rights, there are more than 10,000 street children, but states have so far identified only 9,945, according to data they provided to NCPCR. Citing the cold weather conditions, SC-Bank ordered district judges to oblige NGOs, volunteer organizations and district legal authorities to identify children on the street “without further delay”. Referring to data compiled by NCPCR based on state information, the bank said most states reported zero or single-digit numbers of street children in their states.

“Children are starving on the streets and they can’t wait. The situation would not improve without the intervention of governments. It's their duty to perform,” the SC said.

Additional Attorney General KM Natraj and Counsel Swarupama Chaturvedi, appearing for the NCPCR, said many states were not taking the matter seriously despite the SC's instructions. They said 21 states attended the NCPCR's virtual meeting. “NCPCR observed that some of them have initiated the process of

rescue of these kids. However, few states made efforts to rehabilitate them,” the Commission said. The bench directed all states and UTs to attend the meeting to identify and develop rehabilitation policies for street children. It is the duty and responsibility of every socially conscious society to take care of its street children, who are subjected to various forms of exploitation. It is sad that state governments and UTs are not taking on this responsibility. The Higher Regional Court rightly intervened. A rehabilitation policy should be formulated under the auspices of the NCPCR as soon as possible.