Annexure I

Constitutional Provisions and Legislations for Child Welfare and Protection Adopted by the Government of India

Preamble: Children are the future of a nation. Therefore, it is essential to ensure basic minimal facilities to every child like adequate nutrition, education, medical care, love and affection, a congenial living environment and safety and security. India has the largest child population in the world. All out efforts are being made by India for the development and welfare of children. Significant progress has been made in many fields in assuring children their basic rights. However, much remains to be done. The country renews its commitment and determination to give the highest priority to the basic needs and rights of all children. Children are most vulnerable to exploitation and abuse. A lot more has to be done for the health, nutrition and education of children. It is unfortunate that girls in particular face debilitating discrimination at all stages. Therefore, specific concentration is being given to the efforts to improve the life and opportunities of the Girl Child.

Constitutional Provisions:

There are several constitutional provisions for protection of rights of the children, which are as follows:

1. Article 14 provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
2. Article 15(3) provides that, “Nothing in this article shall prevent the State for making any special provision for women and children.”
3. Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.
4. Article 21A directs 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.
5. Article 23 prohibits trafficking of human beings and forced labour.
6. Article 24 prohibits employment of children below the age of fourteen years in factories, mines or any other hazardous occupation.
7. Article 25-28 provides freedom of conscience, and free profession, practice and propagation of religion.
8. Article 39(e) and (f) provide that the State shall, in particular, direct its policy towards securing to ensure that the health and strength of workers, men and women and the tender age of children are not abused and that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength and that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that the childhood and youth are protected against exploitation and against moral and material abandonment.
9. Article 45 envisages that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
Legislations:

There are several Legislations pertaining to children. These include the following:

5. The Pre-Conception and Pre-natal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994.
8. The Guardian and Wards Act, 1890.
10. The Commissions for Protection of Child Rights Act, 2005

Latest Initiative:

**Offences Against Children (Prevention) Bill:** Child abuse involves several aspects, such as, sexual exploitation, economic exploitation, domestic violence, trafficking for prostitution, corporal punishment at school, and others. Therefore, the Ministry felt a need to have a dialogue on the issue so as to ascertain the views from all quarters and to formulate a consensus in order to address the issue more adequately and effectively. Accordingly few consultations have been made with voluntary organizations and experts dealing with the subject. It has been decided after consultation to constitute a small group consisting of representative from Government, NGOs, legal experts and social workers which will go into all aspects of the subject and after considering all existing legal provisions and others available on the subject and formulate a draft legislation to address all issues pertaining to child abuse. After wide consultations a draft Bill for Offences Against Children was prepared and circulated to the State Governments for their comments and views. After obtaining the comments of concerned Ministries and Departments a draft Cabinet Note has been referred to Law Ministry for their vetting. The proposal will be placed before the Cabinet shortly.