



Child Rights in India: Necessary Constitutional Provisions, Implementation, Challenges & Suggestions

Deepak Kumar

Assistant Professor in Political Science, Government Girls College, Rewari, Haryana, India.

E-mail: dk72702@gmail.com

Received: 30 Mar 2026; Received in revised form: 24 Apr 2026; Accepted: 27 Apr 2026; Available online: 30 Apr 2026

©2026 The Author(s). Published by Infogain Publication. This is an open-access article under the CC BY license

(<https://creativecommons.org/licenses/by/4.0/>).

Abstract— The research paper attempts to make a conceptual analysis of some key issues associated with child rights, examining them from the Indian perspective. As we know, India is one of the democratic nations with a constitutional setup, which makes the provision of fundamental rights for all citizens, whereas children are given specific rights to enjoy their childhood and enable them to fully develop their personality. The Article-24 of the Indian Constitution directly states that the children below 14 years of age shall not be made to work in any capacity that shall result in any negative and hazardous impact on their health. In this regard some of the effective legislations on child labour have also been passed by the state legislative assemblies and parliament. But it is a matter of concern that notably child labour has not been eradicated altogether from a large number of states in India. On the other hand, Article-21(A) of the Indian Constitution provides the right to compulsory and free education to children from 6 to 14 years of age. Therefore, it is the duty of their parents and guardians to ensure their children free and compulsory education upto the age of 14 years under the Sarva Siksha Abhiyan (SSA) scheme implemented at the national level in the year of 2002. On the contrary, children's rights have also been ensured by framing some of the laws such as: RTE Act- 2009, POCSO Act- 2012, Juvenile Justice Act- 2015, Child Labour Prohibition Amendment Act- 2016 etc. These rights assure free education, basic health facilities and the right to be free from various forms of exploitation including trafficking, child abuse and child labour. In spite of this, there are some drawbacks and challenges in the existing framework of child rights in India, which needs to be eradicated for the all-round development of the children at the global level.



Keywords— Child Labour, Article-21(A), Article-24, RTE Act, CRC, POCSO, J J Act.

I. INTRODUCTION

Actually, The Human Rights Declaration which was promulgated on December 10, 1948 by the United Nations General Assembly (UNGA) is considered a significant and landmark step in the history of human rights, enabling main principles of the protection of these rights in many countries including India. Concerning this issue, the UNGA proclaimed the rights of children on November 20, 1959, which is today celebrated as International Child Rights Day (ICRD). In this regard, remarkable progress was also seen when the Indian Parliament made the 86th Constitutional Amendment in Article-21 and added Article-21(A) in the year of 2002, which gave children aged 6-14 the right for

free and compulsory education. As a result, the government of India implemented an SSA scheme focusing on the target of education for all children between the age of 6-14 years. To make the SSA scheme more effective, the mid-day-meal scheme was also launched throughout the country, which directly aims to combat the problem of malnutrition among the school going children.

In India, although there are many legal and constitutional safeguards for children, they are still in greater danger than adults due to their inexperience. As a result, each and every government and social policy and program has considerable influence over children. In our society, there is a wrong notion that children are the property of their parents, and at

this age, they cannot contribute to society. Furthermore, children do not enjoy the power of voting and have no political power; they lack financial means and do not attract special attention. Consequently, they have a greater chance of suffering from exploitation and abuse.

II. WHAT ARE CHILD RIGHTS?

In India, the term “child” includes any boy or girl under the age of 18 years. Hence all such boys, or girls have rights under the law, which are known as the rights of children; violation of these rights is punishable under the law. By definition, every boy or girl below 18 years of age is referred to as a child, which is indeed a very important chapter in his or her life. But again, it is necessary to keep in mind that everyone has different experiences concerning children. The laws in India provide protection from exploitation to all children irrespective of their caste, religion, race or sex.

III. NEED OF CHILD RIGHTS

At present, many scholars argue that certain civil rights should be given immediately. Among such rights, there are non-discrimination rights, the right to fair trial, special minor judiciary, and the right to life and liberty. Hence, such individuals must be free from discrimination as citizens of the country. The concept of “*The Right to Safety*” is currently one of the top priorities for children since the concept takes into consideration several different rights rather than one particular one. The primary aim of the idea of safety is to protect individuals from exploitation, mistreatment, cruelty, and neglect. Thus, safety must be ensured not only for one, but for everyone disconnected to the issue. Nonetheless, children with different social, economic, or geographical situation in different regions of the world must be protected more. Hence, they require even more details for safeguarding them. This category of individuals covers orphans, children in war zones, refugees, children in the streets, working children born to prostitutes, and children deprived of parental care. It also includes disabled children, children adducted for trafficking, those affected by violence, the homeless children, children suffering from natural disasters, children with AIDS and other serious illnesses, etc.

IV. CONSTITUTIONAL STRUCTURE OF CHILD RIGHTS

The Constitution of India provides the right to equality to all citizens including the children. There are some of the provisions that gives several rights to children as under :

- According to Article-14, every child has a right to equality.
- Article-15 states that no child should be discriminated against on any ground.
- Article-21(A) provides that it is the right of every child between the age of 6-14 years to get free compulsory education.
- Article-23 says that no child can be trafficked or forced to work.
- Article-24 of the Constitution prohibits children below the age of fourteen from working in any activity which damages their health or any hazardous work.
- Article-29 of the Indian Constitution provides for the protection of rights of children belonging to the weaker sections of society.
- According to Article-39 of the Indian Constitution, children are protected from exploitation and get the benefit of being properly reared.
- Article-39(E & F) prohibits children and youth from being subjected to exploitation and moral degradation. It directs the state to protect children from abuse and live with dignity.
- Article-45 gives obligations to the state to provide early childhood care and education for children below the age of 6 years.
- According to Article-46, children belonging to the disadvantaged sections get social justice and protection against being exploited.
- Article-47 of the Constitution stresses that the government shall take steps to improve the nutrition and standard of living of children. This provision provides food security to all children.
- Article-51A(K) imposes a duty on parents or guardians to provide educational opportunities to the children between the age of 6 to 14 years.

V. IMPLEMENTATION OF CHILD RIGHTS

The government of India has framed and implemented a number of laws to ensure the guarantees for child rights from time to time. In this regard, there is a comprehensive legal framework when it comes to the protection of child rights as follows:

- **PCPNDT Act, 1994:** This law prohibits female feticide and aims to eliminate the practice of sex determination test with the goal of reversing the falling rate of child sex ratio.

- **CPCR Act, 2005:** This Act makes the provision to set up the National Commission and State Commissions for the Protection of Child Rights .

- **The Prohibition of Child Marriage Act, 2006:** It is an important law that sets the legal age of Marriage at 18 years for women and 21 years for men to stop child marriage. This Act came into force on November 1, 2007. It forbids child marriage and protects the child rights by providing all legal assistance in case of child marriage.

- **Right to Education Act, 2009:** This law guarantees free and mandatory education to every child in the age range of 6 to 14 years.

- **The Protection of Children from Sexual Offences (POCSO) Act of 2012:** This law was enacted to protect children from sexual offences and also guides all processes involving complaint filing, evidence collection, and investigation pertaining to children.

- **The National Food Security Act, 2013:** This Act was enacted with the objective of providing healthy food for children through 'Midday Meal Scheme', and it plays a major role in controlling child malnutrition.

- **Juvenile Justice Act, 2015:** It is called J.J. Act and it covers all the issues related to the safety and protection of child rights including children coming in contact with the law.

- **Child Labour (Prohibition and Regulation) Amendment Act, 2016:** It explicitly prohibits any employment for children under the age of 14 years. This is an amended Act in the previous Child Labour Act of 1986. However, the child labour is still existing on some places. There are some drawbacks in the implementation of this Act.

Thus, the government of India has taken some effective steps to ensure the safety and security of child rights from time to time. Some of the others steps are:

- Mission Vatsalya.
- Poshan Abhiyan.
- Child Helpline 1098.
- Beti Bachao, Beti Padhao.
- National Education Policy (NEP)-2020.

VI. BARRIERS CONCERNING CHILD RIGHTS

Today the primary barrier to child rights is the wide gap between protective laws and their weak functioning due to lack of economic resources. Moreover, despite the presence of some effective legal and constitutional safeguards, there are still various serious difficulties such as:

- **Deep-rooted Social Norms:** Still today our cultural practices and gender disparities continue to drive illegal customs like child marriage.

- **Poverty and Economic Stress:** A large number of families are struggling for their basic needs. They think that every child is an earner for the family. As a result they employ their children to any informal work, as a result their children have to drop out of schooling. It also fuels high rates of child labour and exploitation.

- **Child Labour:** It is also widely recognized that a large number of children from poorer houses still today are employed to any hazardous labour work. In many cases it has been observed that they have to drop out of their schools.

- **Sexual Abuse:** Today child sexual assault and rape has become a crucial problem and national crisis. The NCRB reports highlight the fact that 3 children are raped and 5 are sexually abused every hour in India. A number of studies have found that around sixty-nine percent of children from 5 to 18 years old suffered abuse, most of the time from somebody they were familiar with.

- **Corporal Punishment:** Quite a few school-going children go through violence at educational institutions.

- **Child Marriage:** Even though child marriage is prohibited, it is still widespread in some regions of the world.

- **Problem of Malnourishment:** A number of studies have pointed out that still today the school going children have to face the problem of malnutrition. The Midday Meal Scheme' implementation is questionable in some parts of the country. This scheme needs to be connected with the Food Security Act. We can't deny that the problem of malnourishment affects children's development and growth.

- **Lack of Quality Education:** Even though free education is required by the RTE Act, the issues of classrooms, teaching, and school dropouts prevail in the country. In many schools, there is a lack of digital infrastructures in poorer households.

7. Suggestions to Protect Child Rights

The following recommendations can be taken to protect children against the misuse of their physical and mental characteristics and to ensure their awareness about their rights to avoid such misuse. Some of the suggestions are as under:

- The child victims should be given compensation, mental health and family support.
- Any child related incident should be reported immediately to the local law enforcement, child welfare committee and child helpline.

- There must be strict enforcement of the laws to minimize the cases of sexual abuse.
- Children need to be questioned in confidentiality in order to keep them safe.
- In case of any crime against any child, it should be assured that it is not his/her fault. The family should be supportive and child victims should be listened to completely.
- The necessity of all children who have been exploited to be gathered and to talk openly should also be highlighted as it leads to higher awareness of the issue.
- At the same time, children need to know their limits as it plays a crucial role in incident minimization.
- It is worth mentioning that today it is the collective responsibility of all of us or community to prevent child abuse.
- NGOs can play a significant role in this. Therefore, we should think of donating to children's charities through well-known children-focused NGOs.
- The children related awareness programmes should be organized so that child abuse and rapes controlled.
- The active role of social media should be acknowledged by all of us. It can play a vital role to create awareness among children.
- All individuals should support campaigns and petitions for stricter implementation of the existing Child Protection Act or laws.

VII. CONCLUDING REMARKS

Now we can conclude that crime against children is increasing rapidly. In recent years, it has been seen that three children are raped and five are sexually assaulted every hour in our country. However, we celebrate November 20 as International Children's Day every year but the reality is, rather than getting better the situation is constantly worsening. A number of studies on child rights in India indicate that the violations of children's rights are increasing day by day. Actually, children are in danger not only outdoors but also indoors. The NCRB reports point out that in most of the cases, the crime against children was committed by a familiar person. The enforcement of laws in this field has become weaker, therefore, it is an urgent need to make the law enforcement agencies more active. An important factor that should be stressed here is the necessity for a change of mindset. However, India has made a number of important steps in the improvement of the status of children's rights in the country from the point of view of the legislative level. Nonetheless, we need the implementation of the laws and permanent monitoring of the situation is necessary for minimizing the gap between the legislation

and the reality. A number of social activists suggest that all the offenders who commit crime against children should be condemned by the civil society and law enforcement agencies should be made more effective by framing the more effective laws.

REFERENCES

- [1] Bagachi, J. et al. (1997). *Loved and Unloved: The Girl Child in the Family*. Street Publications, Calcutta.
- [2] Bajpai, A. (2017). *Child Rights in India: Law Policy and Practice*. Oxford University Press, New Delhi, 2017.
- [3] Bhakley, S. (2006). *Children in India and their Rights*. National Human Rights Commission, New Delhi.
- [4] Britto, P. R. & Ulkuer, N. (2012). "Child Development in Developing Countries: Child Rights and Policy Implications". *Child Development*. Vol. 83.
- [5] Deb, S. et al. (2016). "Child Rights as Perceived by the Community Members in India". *International Law Research*. Vol. 5(1).
- [6] Ghosh, Shanti. (2004). "Child Malnutrition". *Economic & Political Weekly*, Vol. 39(40).
- [7] Government of India. (2004). *Crime in India*. NCRB, Ministry of Home Affairs, New Delhi.
- [8] Government of India. (2006). *Handbook on the Prohibition of Child Marriage Act, 2006*. New Delhi.
- [9] Kumar, S. & Sheoran, C. P. (2022). "A Critical Study on Children Protection in India". *International Journal of Law, Justice and Jurisprudence*. Vol. 2(2).
- [10] Nair, P. M. & Sen, S. (2005). *Trafficking in Women and Children in India*. Orient BlackSwan, New Delhi.
- [11] Savita, B. (2006). "Children in India and Their Rights". Research Report. National Human Rights Commission, New Delhi.
- [12] <https://www.lawhousekolkata.com>
- [13] <https://www.indiacode.nic.in>
- [14] <https://wcdhry.gov.in>
- [15] <https://ruralindiaonline.org>
- [16] <https://ncpcr.gov.in>
- [17] <https://www.ilo.org>
- [18] <https://www.pib.gov.in>