

# CHILD LAWS IN INDIA

## A COMPARATIVE LOOK AT ALL THE FOUR INDIAN ENACTMENTS ON THE RIGHTS OF THE CHILD



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Name of Indian Enactment	JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000	COMMISSION FOR PROTECTION OF CHILD RIGHTS ACT, 2005	THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION, 2009	CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986
<b>Main Objective</b>	To provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles.	Provide for National and State Commissions, Courts for providing speedy trial of offences against children or of violation of child rights and for incidental/ connected matters.	To provide for free and compulsory education to all children of age 6 to 14 years.	Prohibiting the engagement of children in certain employments and to regulate the conditions of work for children in certain other employments.
<b>Definition of Child under the Enactment</b>	Child in need of care and protection is defined with 9 different point	Child Rights defined as per UN Convention on the Rights of the Child.	Child means a male or female child of the age six to fourteen years	Child means a person who has not completed his fourteenth year of age.
<b>Important and relevant Sections under the Enactment</b>	Definition of child S. 2(d), Juvenile Justice Board S. 4-6, Important provisions for protection of juveniles S. 15 and 16, Child Welfare Committee S. 29-31, Benefits for children S.40-45	Definition of Child Rights S. 2(b) National Commission formed under the Act S. 3, with functions u/s 13 and 14, State Commission S. 24, Children's Court S. 25 and 26.	Definition of child S.2 (c), (d),(e) Rights of child to free education S. 3, 4 and 5 Protection of Rights of Child – Commission formed under CPCRA S. 31-34	Definition of child S.2(ii) Prohibition of Employment of Child S.3, Child Labour Technical Advisory Committee S. 5, Benefits for children under the Act S. 7, 8 and 13
<b>Authority constituted under the Enactment</b>	Juvenile Justice Board and Child Welfare Committee	National and State Commissions for Protection of Child Rights and Children's Court for speedy trial of offences against children.	U/s 31, National and State Commissions for Protection of Child Rights as constituted under S. 3 and 17 of the CPCRA /Advisory Councils S. 33,34	Child Labour Technical Advisory Committee

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<b>Role of the authority constituted under the Enactment</b>	JJ Board: deals with all the proceedings relating to the juvenile under law Child Welfare Committee: looks after the children in need of care and protection	National and State Commissions: Have the duty of protection of all kinds of rights of children as elaborated in S.13. Children's Court: speedy trial of offences against violation of child rights.	National and State Commissions: in addition to the functions under the CPCRA, also look after the rights of education of children and inquire into the complaints of violation of the same.	Child Labour Technical Advisory Committee: to look into the complaints of violations under the Act <i>i.e.</i> where children are engaged in employments in violation of the provisions under the Act
<b>Benefits available to the children</b>	Provides for the rehabilitation and social reintegration of the children or juveniles who are guilty under the law.	All kinds of rights of children as a whole are protected under the Act due to diverse functions and powers u/s 13 of the Act.	Protection of right of education of children of age 6 to 14 years.	Protection of children from being employed in places with high risks to the life of the children and providing better work environment for the children.
<b>Drawbacks of the Enactment</b>	The Act specifically deals with the protection of juveniles who have committed crimes and the ways the courts should deal with them. No effective machinery is provided for protection of rights of children who are being exploited.	None apparently, though, if qualified people as stipulated u/s 3 and 17 are not appointed to the National/State Commissions, no meaningful purpose will be served in creating these specialist bodies with statutory powers created under the UN Convention of the Rights of the Child.	The major focus of the Act is on the right to provide free and compulsory education to children.	The Act only focuses on the prohibition of employment of children in certain work places which are harmful for the children.

After perusing the comparative study of the above enactments, it can be stated that it is best that a State Commission be actually constituted and be working under the Commission for Protection of Child Rights Act, 2005 (CPCRA) in every State in India, to look into the matters of protection of violation of child rights not visualized in other Acts. The State Commissions formed under the Act in India for protection of violation of child rights have a vast scope to deal with the problems in hand. The Act talks about the protection of "child rights," in terms of the definition given in the UN Convention on the Rights of the child and the functions/powers of the Commission are very broad based giving ample authority to it in all areas of child rights. Commissions formed under this Act in every State and at National level will not only help solve the problem of the children but will also look at other areas and give directions to State level bodies for effective implementation. Hence, as per the provisions of the four Indian enactments and the comparative study above, it is best that the Commissions under the CPCRA are formed to deal with all the problems of child rights and they can further utilize powers of State level Boards, authorities, Committees for seeking effective implementation of all the four Acts.