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A Critical Analysis on Child Rights and National Charter for Children, 2003

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ABSTRACT

India's growth over the past two decades has made a remarkable contribution to global human development. Extreme poverty in India has fallen to 21%, child mortality has fallen by more than half, around 80% of women give birth in a health facility and two million fewer. Children do not go to school. These are important achievements for a country that is home to almost a sixth of the world's population, but challenges persist, and India's economic successes have not resulted in an improved quality of life for everyone in the world, especially women and children. Currently, India is home to most of the children, according to the 2011 census, about 13.59%, that is 16.45 crore of its population in the age group of 0-6 years, while 30.76% of the population is in the age group of 0 to 14 years; however, children in rural areas, slums and poor urban families, catalogued castes, indigenous communities and other disadvantaged populations suffer from multiple deprivations related to poverty, malnutrition, access to quality health services, child marriage, poor school attendance, low learning outcomes, lack of sanitation, Hygiene and access to improved water. High levels of malnutrition persist 38.4% of children are stunted, poor learning outcomes only 42.5% of third-grade children can read the first-grade text), vaccine-preventable diseases, and child labour. India Has Greater Responsibility to Children.

Keywords: National Charter, Child Rights, Child Adoption, Disabilities.

I. INTRODUCTION

The Constitution of India guarantees all children in the country basic rights and empowers the state to make special arrangements for children. The guiding principles of state policy specifically guide the state to protect the tender age of children from abuse and to ensure this. Children have the opportunity and the opportunity to develop healthily under conditions of freedom and dignity². The state is responsible for protecting childhood from exploitation and moral and material neglect. Declare your children as "the nation's greatest asset" in national policy for children in 1974 the Indian government reaffirmed its commitment to upholding

¹ Author is an Advocate in India.

² Third/fourth report to the UN Committee on the Rights of the Child (2012), ch. 4, para. 40

children's rights. Children by ratifying related international conventions and treaties, such as the Declaration of the Rights of the Child, the Universal Declaration of Human Rights and its Alliances, the Convention on the Rights of the Child and its two Optional Protocols, the United Nations Convention on the Rights of Persons with Disabilities, the United Nations Convention against organized crime, the Protocol to Prevent, Combat and Punish Trafficking in Women and Children, the Hague Convention for the Protection of Children and Cooperation in the Field of International Adoption and the Convention on the Elimination of All Forms of Discrimination against Women.

Policy for Children, 1974 recognized that programs for children should have a prominent place in national human resource development plans for children to grow into resilient, physically healthy, mentally alert, and moral citizens. The policy also emphasized equal opportunities for the development of all children during the growing season. Child and enjoy a healthy and happy childhood addressing root causes that deny the healthy growth and development of children. and to raise awareness of the community in the broader social context to protect children from all forms of abuse while empowering families, society, and the nation. Because of the emerging challenges for the situation of children, the Government of India adopts this 2013 National Child Policy Resolution.

II. NATIONAL CHILDREN'S CHARTER

National Children's Table With the development of society, the concept of children and their treatment is also constantly developing. In the past, in the era of the Greeks and Romans, only healthy children could be accepted as citizens. During the Industrial Revolution, children were treated as citizens. A cheap source of labour that can be used in any imaginable way, but with the development of society, children get a fair share, especially after various child-rights movements that empower them as individuals rather than relying on others Identity and legal rights³. Therefore, to meet their needs, the government continues to take various measures to meet the changing needs of children who play an important role in society. The charter contains several priority themes for children that form the basis for the development of the project. Tonight, the Cabinet approved the adoption of a children's national charter to ensure the protection and comprehensive development of children. On August 22, 1974, the "National Child Policy" was passed for the first time, stipulating that the state shall provide adequate services for the comprehensive physical and mental development of children before and after birth and during their growth stages.

³ National Policy for Children 2013, para. 4.6(xv)

The measures to be taken include: comprehensive health care programs, supplementary nutrition for mothers and children, free compulsory education for all children under 14 years of age, promotion of physical education and recreational activities, and special attention to children in disadvantaged sectors, such as SC and ST, To prevent the exploitation of children, Subsequently, the Indian government passed the National Children's Charter in 2003, which was formulated after receiving opinions/comments and suggestions from the Washington State/State Government, relevant ministries and departments, and the National Charter. It is a letter of intent based on the government agenda⁴. For children. The document emphasized the Indian government's freedom of life and health, including name and nationality, freedom of speech, and freedom of association with children's survival, health and nutrition, the standard of living, entertainment and entertainment, parenting, education, protection of girls, empowerment of youth, equality, freedom of life and health, Association, peaceful assembly, family rights and the right to be protected from economic exploitation and all forms of abuse. The document also stipulates the protection of children in difficult circumstances, children with disabilities, children in marginalized and disadvantaged communities, and children. The document stipulates the responsibilities of the state and society to children but also emphasizes the responsibilities of children. About family, society, and country.

Indian Gazette, on February 9, 2004, the Indian government has considered passing the National Children's Charter, reaffirming its commitment to protecting children so that no child will be hungry, illiterate, or sick. The purpose of writing is to ensure that every child has the inalienable right to be a child, to have the right to a healthy and happy child, or to solve the root causes that hinder the healthy growth and development of children, and to work hard to prevent the unity of the society to protect the rights of children. To protect children from violations of their rights, and to make the country and society jointly and severally responsible for protecting the interests and well-being of children. Although in subsequent national plans, the government allocated resources to raise children and create an environment where they can grow, they are not enough, and the growth rates in health, education, and nutrition have not shown the expected progress. The programs of various departments integrate child health, infant and preschool children's nutrition and nutrition of nursing and pregnant mothers, orphans and homeless children, children and other nursing and nurturing for working or sick mothers. The prevention and advocacy of education and education are prioritized.

⁴ Extract from the Gazette of India – Part I, dated 11 May 2011, MINISTRY OF WOMEN AND CHILD DEVELOPMENT (June 9, 2021, 11:46 AM), https://wcd.nic.in/sites/default/files/npcenglish08072013_0.pdf

III. CONSTITUTION OF INDIA AND CHILDREN

The Constitution of India and Children. The third and fourth parts of the Constitution of India contain the interests of children, but the premise is:

Article 15(3) stipulates that the state can treat children Provisions.

Article 21A the law stipulates that all children between the ages of 6 and 14 shall receive free and compulsory education.⁵

Article 24 No child under the age of 14 can be recruited to work in factories, mines, or other dangerous jobs.

Article 39e is impossible to abuse the age of children, and due to economic reasons, citizens will not be forced to participate in activities that are not suitable for children.

IV. CHILDREN AND ADOPTION

Strengthening the family Every child has the right to a family; In the event of separation, the state must take steps to reunite the child with its parents. In unfavorable circumstances, the state should immediately adopt alternative arrangements that consider the child's best interests and views. Even when children are in government custody for various reasons, children have the right to keep in touch with their families⁶:

Children without families should be brought up for adoption, preferably domestic adoption, foster care, or other substitutes. All rules must be written in the best interests of the child and the regulatory authorities to ensure strict Strengthening of the family Every child has the right to a family; In the event of separation, the state must take steps to reunite the child with its parents. In unfavorable circumstances, the state should immediately adopt alternative arrangements that consider the child's best interests and views. Even when children are in government custody for various reasons, children have the right to keep in touch with their families: Children without families should be brought up for adoption, preferably domestic adoption, foster care, or other substitutes⁷. All rules must be written in the best interests of the child and the regulatory authorities to ensure strict compliance with these rules.

⁵ The Right of Children to Free and Compulsory Education (Amendment) Act 2012

⁶ *Girl child is adopted more in India: All you need to know on adoption, from CARA*, INDIAN EXPRESS (June 9, 2021, 11:48 AM), <https://indianexpress.com/article/parenting/family/child-adoption-cara-india-girl-all-you-need-to-know-6153189>

⁷ *Overview of Child Adoption process in India*, VIKASPEDIA (June 9, 2021, 11:49 AM), <https://vikaspedia.in/social-welfare/women-and-child-development/child-development-1/child-adoption/adoption>

V. CHILDREN WITH DISABILITIES

The state recognizes the shared responsibility of both parents for the upbringing of their children. Disabilities: All children with disabilities should be helped to live full lives with dignity and respect. People with disabilities are encouraged to integrate into society and actively participate in the state. They will also provide education, training, medical care, rehabilitation, and recreation in a way that contributes to their growth and holistic development. The state and community will implement disability prevention and early detection programs to ensure that families with disabled children are supported, and promote research and development in the prevention, treatment, and rehabilitation of various forms of disability.

Care, protection and welfare of children from marginalized and disadvantaged communities from marginalized and disadvantaged communities assists them in maintaining their identity and encourages them to adopt practices that serve their best interests The state recognizes that children from disadvantaged groups and the most vulnerable or vulnerable areas of the Society needs special intervention and support in all matters related to education, health, recreation and support services specializing in all of its policies and programs ensuring child-friendly Procedure: All matters and procedures relating to children, whether judicial, administrative, educational or social, must be tailored to children⁸. All procedures defined in the system must contradict laws and regulations⁹. Children who require special care and child-friendly protection

VI. CONCLUSION

The charter has comprehensively taken up various aspects and therefore promotes the holistic development and development of all children but challenges remain that only require a collective effort. We all need to share responsibility and make this world a better place for our children.

⁸ *Facilities for the disabled*, INDIA TOGETHER (June 9, 2021, 11:48 AM), <http://www.indiatogether.org/health/infocfiles/disabled-provisions.htm>

⁹ The Disabilities Act, 1995