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# *Protection of Children in Uttar Pradesh, the Determinants and Implications of Child Welfare Legislation*

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**Abstract-**The term "protection" identifies with protection from all types of violence, abuse, and exploitation. This underlines the significance of foreseeing and turning away what may happen to harm and disparage a child not only reaction to damage dispensed. In addition, it requires a more profound and more extensive cognizance of what protection implies. In light of our understanding, the Indian Child Abuse, Neglect and Child Labor (ICANCL) group and IMA has unequivocally engendered the view that "protection" should likewise incorporate protection from malady, poor sustenance, and absence of learning, notwithstanding action against abuse and exploitation. This derives the disavowal of such defends carelessness or neglect, the two of which are incorporated into the internationally perceived meaning of violence. The ninth ISPCAN Asia Pacific Conference of Child Abuse and Neglect conference result archive "Delhi Declaration" re-certified and swore a determination to stand against the neglect and abuse of children and to take a stab at the accomplishment of child rights and the structure of thinking about each child, free of violence and discrimination. It encouraged and declared the pressing need to integrate standards, standards, and measures in national arranging processes, to counteract and react to violence against children. It also determines the Child Rights and Child Protection (CRCP) segment is to give a far reaching base of learning.

**Keywords: Indian Child Abuse, Neglect and Child Labor, protection, Child Rights and Child Protection (CRCP)**



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## 1. Introduction

The term "protection" identifies with protection from all types of violence, abuse, and exploitation. This underlines the significance of foreseeing and turning away what may happen to harm and disparage a child not only reaction to damage dispensed. In addition, it requires a more profound and more extensive cognizance of what protection implies. In light of our understanding, the Indian Child Abuse, Neglect and Child Labor (ICANCL) group and IMA has unequivocally engendered the view that "protection" should likewise incorporate protection from malady, poor sustenance, and absence of learning, notwithstanding action against abuse and exploitation. This derives the disavowal of such defends carelessness or neglect, the two of which are incorporated into the internationally perceived meaning of violence. The ninth ISPCAN Asia Pacific Conference of Child Abuse and Neglect conference result archive "Delhi Declaration" re-certified and swore a determination to stand against the neglect and abuse of children and to take a stab at the accomplishment of child rights and the structure of thinking about each child, free of violence and discrimination. It encouraged and declared the pressing need to integrate standards, standards, and measures in national arranging processes, to counteract and react to violence against children. This article assesses the impact of child welfare and child labor legislation on children.

## 2. CHILD LABOR WELFARE PHILOSOPHY UNDER FUNDAMENTAL RIGHTS

Fundamental Right is Limitations upon every one of the powers of the Government, executive just as legislative and they are basic to the safeguarding of open and private rights, notwithstanding the agent character of political institutions. The rights are regarded as fundamentals since they are most basic for the person for the development of his full scholarly, good, and otherworldly possibilities.

The negation of these rights well presentation of fundamental rights in the constitution directions in the interest of the freedom of the citizens. The part on Fundamental Right in Indian



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Constitution promises some fundamental rights just to the Citizens" of India while the others are ensured to any people's (i.e., for the two citizens and non-citizens) inside which the fundamental rights of the children are additionally certainly included.

The children have right to appreciate all the fundamental rights which are ensured to the citizens of India under Articles 15, 16, 19 and 29 of the Constitution on the grounds that the children in India are additionally citizens of India.' The fundamental rights which are accessible just to the citizens are:

1. The right not to be discriminated against on the grounds of religion, race, caste, sex or place of birth (Art. 15).
2. The right to equality of opportunity in the matter of public employment (Art. 16).
3. The right to six freedoms enumerated in Art. 19. i.e. freedom of speech and expression, assembly, association, movement, residence and profession.
4. Cultural and educational rights conferred by Arts. 29 and 30.

### **3. CHILD LABOR UNDER SOCIAL LABOR LEGISLATIONS**

Every society has its own pattern of life suited to their livelihood; this pattern of life in the old society was regulated through its norms. Social norms and values are upheld by an approved machinery of the society to regulate and maintain the social order. In a complex society, where social system is easily broken it became much more difficult to maintain the social system. In such situation, formal law is helpful. The major functions of the legal system are

- (1) Maintenance of public order,
- (2) Upholding rights and duties,
- (3) Facilitating co-operation
- (4) Confirming legitimacy,
- (5) Protecting the poor and the needy.

In each society, old traditions, qualities, and standards make trouble in receiving new change for development and development of its individuals. Consequently reconstruction is expected to

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change its old system to addresses the issues for their welfare and development. Long prior, child labor was not a social problem, yet with the adjustment in social understanding, child labor required legislative protection against their exploitation and for their legitimate development and development. It has existed in some structure from days of yore. However, it was route after the coming of factory type units in the nineteenth century that children started being utilized in industries where they worked for long hours under engaging conditions."

Child labor enactments did not get much consideration during British time. There was no integrated methodology about the prosperity of child labor. They were addressed unexpectedly in both in common and criminal enactments. There was no particular statutory measures for the consideration, protection and welfare of the child labor and results was that the businesses abused their on a more extensive scale achieve their narrow minded closures. 'The prior section brought to light a troubling fact that children of shifting ages are misused as well as abused in a work place. They progressed toward becoming casualties of individual aggrandizement, ravenousness and even desire. It is a gathering that there defenseless children are even sexually struck in a society which professes to be modem and edified.

#### **4. RECOMMENDATION OF NATIONAL COMMISSION ON RURAL LABOR: CHILD LABOR:**

- a) Free and compulsory education for all children up to the age of 14 should be ensured immediately through the formal school system.
- b) Compulsory Primary education Act should be enacted in States, which do not have such legislation, and the Act should be implemented strictly. Informal education centers should also be set up near the basis. This will be the most effective method of preventing child labor of all kinds.
- c) This measure should be backed up by a substantial increase in outlay for elementary education for providing school buildings and equipment, teachers, textbooks and other requisites. Supporting measures like free text books and uniforms, stipend or attendance



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scholarships, particularly for girls and mid-day meals consisting of pre-cooked packed food etc. should also provide.

- d) If guaranteed wage employment can be provided to the parents of such child labor, the need for spending the child for work will also reduce. This programme should be phased and spread over the next five years, especially first covering areas where employment of child labor is extensive.
- e) Simultaneously, the law also should provide for prohibition of child labor (that is, those under fourteen years of age) in all occupations and processes.
- f) A publicity campaign should also be undertaken through various media to bring out the evils of child labor and educate the public.

### **1. GENERAL SHORTCOMINGS IN CHILD WELFARE LEGISLATION AND POLICY**

The first sections have endeavored to demonstrate the primary areas of legislation concerning children. It is evident from the current resolutions and policy documents that endeavors have been made on this front in a previous couple of decades. The most prompt needs of Indian children have been distinguished, and parallel advances have been taken as legislation to satisfy these requirements. In any case, clearly, regardless of passing the fundamental laws, nearly to the point of there being "a surfeit of laws managing children," children are just imperceptibly happier than they were previously.

In the prior pages an endeavor has been made to enumerate the reasons why legislation in every individual area has not made a big deal about an impact. Aside from these particular causes, there are sure flaws basic to the different rules which have likewise been in charge of the disappointment in implementation of such legislation. Tragically, the current rules don't consider the specific Indian circumstance of the absence of assets and offices, combined with a huge population of impoverished children. Rather, the rules call for the making of tremendous administrative machinery. The Child Labor Act, 1986, for example, requires the development of



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another group of personnel to be called Child Labor Inspectors, notwithstanding the officially existing administrative bodies set up under labor legislation.

This not just makes the entire structure top-overwhelming, along these lines hindering actual work, yet it additionally redirects rare assets from projects which could have legitimately profited the child. Another valid example is the legislation on neglected and reprobate children, which calls for the establishment of an elaborate network of child welfare sheets, juvenile courts and post-trial supervisors.

Additionally, absent in the collection of law about child welfare in India is the involvement of non-governmental organizations, social activists, and ordinary citizens. Such groups of people ought to be given powers under the law to screen the activities of both community workers just as those utilizing children in any capacity. The nonappearance of such arrangements results in either a lot of power is placed in the hands of open authorities or an unholy partnership among authorities and, for instance, managers of children working in industries. Under the Child Labor Act, 1986, just a factory investigator can enlist objections of infringement of the Statutes by bosses utilizing child labor.

The Children Act, 1960, states that grievances concerning mercilessness to children must be endorsed by an authority selected under the Act preceding the protest being brought under the watchful eye of a court. This implies, for instance, in case of an offense submitted by an official working in a children's home, that there is no chance to get under the Act for an outsider to document an objection in court against the authority. The Statute likewise precludes suits or legal procedures against community workers named under the Act, as for anything which is done in compliance with common decency or expected to be done incompatibility of the Act.

Another purpose of concern is the absence of stringent punishment for guilty parties. In the first place, guilty parties are hard to find, and in the police power experiencing the absence of personnel and offices, the capture of such persons isn't given top need. In any case, more critically, when they are arrested, a genuinely across the board offense, for example,



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exploitation of child employees, is punishable with a most extreme fine of a thousand Indian rupees, a small whole undoubtedly in contrast with earnings from child labor. The circumstance of the child in India demonstrates that legislation alone (regardless of whether it was to be remedied in the manners in which just mentioned) isn't sufficient to better the part of children.

### **5. Conclusion**

Child labor is increasingly being viewed as, above all, a human capital problem, measurable by its impacts on education and health. The most recent decade of evidence corroborates this perspective and provides ample basis for taking action to reduce harmful impacts. Nevertheless, much work remains to be done to link specific outcomes to particular types of work, at particular intensities, for children of particular ages, gender and socioeconomic circumstances. This review has attempted to locate the current research envelope and to suggest, on this basis, directions for further empirical work that can be expected to have the greatest impact.

Government has accordingly been taking proactive steps to tackle this problem through strict enforcement of legislative provisions along with simultaneous rehabilitative measures. State Governments, which are the appropriate implementing authorities, have been conducting regular inspections and raids to detect cases of violations. Since poverty is the root cause of this problem and enforcement alone cannot help solve it, Government has been laying a lot of emphasis on the rehabilitation of these children and on improving the economic conditions of their families "The parents of child laborers are often unemployed or underemployed, desperate for secure employment and income.

Yet it is their children - more powerless and paid less-who are offered the jobs. In other words, says UNICEF, children are employed because they are easier to exploit," according to the "Roots of Child Labor" in UNICEF 1997 State of the World's Children Report. Children have the right to practice their constitutional rights, to obtain education and live at par with others in the society, without facing any discrimination. The Right to Education Act is a tool for a child



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to obtain his right to elementary education and is an important medium to bring all children, who are still out on the roads, to school by the year 2013.

The Act pays equal emphasis on good quality education. In conclusion, we may say that, in order to help the most vulnerable children, social work has to intervene in the most private cell in society; families. To achieve this, social work must make interventions and decisions that, in many cases, will make permanent changes to the course of life of some individuals. These two factors can be in conflict in specific decision-making contexts, since safety concerns tend to focus on immediate dangers, while welfare assessments take a longer view. A child's immediate safety may be achieved by removing the child from abusive parents, but his or her long-term welfare is highly likely to be damaged by separation from established relationships. The social worker's decision involves a complex weighing of negative and positive outcomes, both immediate and long-term.

## References

- 1) Tiwari RR. Eyestrain in working children of footwear making units of Agra, India. *Indian Pediatr* 2013;50(4):411–3.
- 2) Al-Gamal E, Hamdan-Mansour AM, Matrouk R et al. The psychosocial impact of child labour in Jordan: a national study. *Int J Psychol* 2013;48(6):1156–64.
- 3) Fekadu D, Alem A, Hägglöf B. The prevalence of mental health problems in Ethiopian child laborers. *J Child Psychol Psychiatry* 2006 Sep 1;47(9):954–9.
- 4) T M Dak. (Eds.) 2002, *Child Labour in India*, Serials Publications, Pp. 24-25
- 5) Mishra, P. 2001, *Supply of Child Labour: An Investigation*, journal of Labour and Development, Vol.1, No.1, July-Dec 95)
- 6) Lieten. 2005, 'Child and Work: Number From the General to the Specific', *The Indian Journal of labour Economic*, Vol.48, No 1, pp.23-30)





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- 7) Bhargava, Gopal. 2003, Child Labour (Vol.-I and II), Kalpaz Publication, pp. 123-139
  - 8) Carl em Rosen. 2001, ‘Child Labour and Society,’ Journal of Gender Studies, Vol. 23, No 10, pp. 123-23)
  - 9) Carre, Oliver. 2001, ‘Sociological Prospective of Child Labour in India’, Wind Publication, USA)
  - 10) Mendelievich, Elia. 1980, Children at Work, St, Martinis Press, USA, pp.64-123
  - 11) Assaad, Ragui, Deborah Levison and Nadia Zibani. 2003. The Effect of Child Work on Schooling in Egypt. Manuscript, University of Minnesota.
  - 12) Bando G., Rosangela, Luis F. Lopez-Calva and Harry Anthony Patrinos. 2005. Child Labor, School Attendance, and Indigenous Households: Evidence from Mexico. World Bank Policy Research Working Paper 3487.
  - 13) Beegle, Kathleen, Rajeev Dehejia and Roberta Gatti. 2005. Why Should We Care about Child Labor? The Education, Labor Market, and Health Consequences of Child Labor. World Bank Policy Research Working Paper No. 3479.
  - 14) Bezerra, Márcio Eduardo G., Ana LúciaKassouf and Mary Arends-Kuenning. 2007. The Impact of Child Labor and School Quality on Academic Achievement in Brazil. Presentation Paper Universidad Iberoamericana, Mexico City.
  - 15) Boozer, Michael A. and Tavneet K. Suri. 2001. Child Labor and Schooling Decisions in Ghana. Unpublished manuscript.