

## **CHILD AND THE LAW**

### **1 Social, Constitutional and International Legal Status of Child**

- 1.1 Magnitude of the problem
- 1.2 Special Status of child- National policies
- 1.3 Constitutional concern-Article 15(3), Article 24, Art 39 (e) & (f) and Article 45
- 1.4 International concern and endeavour for the welfare of the children:
  - 1.4.1 Minimum Age conventions
  - 1.4.2 Child Rights Conventions
  - 1.4.3 U. N. Declaration of the rights of the child, 1924, 1959.

### **2. State responsibility for the development of children**

- 2.1 Evaluation of the efforts of the State towards the provision of education to children. Art 21.A.
- 2.2 Contributions by International Organization -UNESCO, UNICEF – Education - Bal Panchayat.
- 2.3 The role of the State in Preventing Child Labour.
- 2.4 International conventions and recommendations of the ILO.
- 2.5 Recommendations of the National Commission of Child Rights.
- 2.6 Protection to Children as a Vulnerable Group- Child Helpline.

### **3. Child and Criminal Liability**

- 3.1 Crimes committed by child;
- 3.2 Implementation of social policy through criminal sanctions in relation to child;
- 3.3 Variation of procedure in case of child offender
- 3.4 Judicial proceedings in criminal cases relating to children
- 3.5 Cr. P.C. Reformatory Schools Act 1897- Juvenile Justice Act 2000

### **4. Law and Offences Against Child**

- 4.1 Protection of neglected children; Institutions for the protection of neglected children;
- 4.2 Juvenile delinquency: law and offences against child
- 4.3 Protection of girls from immoral traffic;
- 4.4 Cybercrime : Pedophilia : Child Sexual Abuse.
- 4.5 Female Foeticide; infanticide
- 4.6 Inter-country adoption- Suppression of Immoral Traffic Act 1956 (SITA) – penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978- Young Persons Harmful Publication Act 1956

### **5. Social issues related to the child**

- 5.1. Tortious liability against injuries to unborn children.
- 5.2. Coparcenary and property rights of the unborn children.
- 5.3. Law relating to maternity benefit and relief
- 5.4. Lack of legal protection of children of impoverished parentage

#### **Suggested readings:**

Awasthi, S.K., Juvenile Justice Act 1986, (1998), Law Vishon, Allahabad  
Indian Law Institute, Treatise on the Juvenile Justice Act (1993)  
Indian Law Institute, Child and the Law (1979, S.N.Jain ED.)  
P.L.Mehta and S.S.Jaswal, Child Labour and the Law 1996, Deep and deep Publications.  
S.R.Bakshi and Kiran Bala, Development of Women, Children and Weaker Sections 1999), Deep &n Deep Publications.  
U.Baxi (ed.) Law and Poverty: Critical Essays (1988) (Selected readings concerning the positions of children may be prescribed)  
All relevant Acts of the Indian Parliament and International Conventions and reports of Various Commissions are to be Studies.

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