

Child Rights in India

LAW, POLICY, AND PRACTICE

Second Edition

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Preface to the Second Edition

For some time now, I have been aware of the need to make some additions to this book so that developments since its original publication may be taken into account. The decision to bring out a paperback edition has presented an ideal opportunity to do. I have, therefore, written an extensive introduction outlining the major changes in the law and policy, as well as significant court decisions. Some information, I felt, belonged to particular portions of the text itself. Each such place has been marked with an asterisk (*) and the new material added in an Addendum at the end.

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Foreword

Children constitute over 400 million of the one billion plus population of India. It is indeed an important factor in shaping the future of the nation if childhood can be endowed with the minimum requisites for healthy growth and development. Unfortunately, it is not happening today despite some of the key initiatives of the government and a number of significant interventions of the judiciary and international as well as civil society organizations.

Is the problem with the numbers, or with the institutions, or with the policies themselves? Or is it the lack of adequate social/political will and low priority in the scheme of governance? In the beginning of the Republic one could blame it all on poverty and illiteracy; but today the country is registering 8 to 10 per cent growth and is claiming to become a world economic power by 2020. Can it sustain this goal with 30 per cent of its child-citizens under-nourished, illiterate, neglected, and forced into unproductive pursuits? Should the fact that they have no clout in electoral politics blind policy planners and decision-makers in the Planning Commission and HRD Ministry at the Centre and in the States to the plight of underprivileged children in India now subjected to some of the most dastardly crimes of exploitation and abuse?

Asha Bajpai, a long-time colleague of mine has spent a substantial part of her professional life in pursuing the development of child rights and juvenile justice administration primarily in Mumbai and other cities. The volume in hand, first published in 2003, is testimony to her scholarship on the subject. There have been a number of important legislative initiatives in the recent past, which deserve to be looked into, to assess policy goals and prospects. Has the Constitutional Amendment making the right to education a fundamental right made any difference to the child in the matter of access to education at the ground level? Is the establishment of the Child Rights Commission as structured in the proposed Bill going to improve the quality of life for the neglected children? Does the new Child Offences Act ensure