



LAW MANTRA THINK BEYOND OTHERS

(I.S.S.N 2321- 6417 (Online))

Ph: +919310053923 Website: journal.lawmantra.co.in

E-mail: info@lawmantra.co.in contact@lawmantra.co.in

CHILD PROTECTION LAWS AND ROLE OF NHRC AND OTHER AGENCIES *¹

ABSTRACT

Child abuse or child maltreatment is physical, sexual or physiological maltreatment or neglect of children especially by a parent or other care giver. Child abuse may include any act or failure to act by a parent or other caregiver that results in actual or potential harm to a child, and can occur in a child's home, or in the organizations, schools or communities the child interacts with.

Child protection ultimately means the prevention of child against violation of their basic rights, exploitation, trafficking, etc. Children who are the victims of violence, exploitation, neglect are at risk of death, poor physical and mental health etc. which negatively affect their educational career as well.

Article 21 of Indian Constitution itself guarantees right to live with dignity to every citizen of India. Therefore, children should not be taken for granted. Section 371 states that it is a crime if mother and father expose or leave a child in a place with the intention of abandonment while section 372 states that it is a crime to buy a child for the purpose of prostitution or to illicit sex from any person.

According to the National Human Right Commission, grouped organisation are behind the abduction of over 40000 children in India every year. Forced begging is practised in our country due to which over 3 lakh children are abused.

* Mr Amrinder Singh Taneja & Ms. Khushbu Mishra.

The ultimate motive of the organisation is to effectively stop child abuses by introducing certain types of policies, establishment of proper sub organisation for safety and observation in offices or any kind of work place.

Keywords: *Child abuse, Child protection, NHRC.*

INTRODUCTION

Children are the future of a country. They bring the development & prosperity to the country. But as we all know that the children are the most vulnerable part of the society & can be easily targeted. In India there are many laws & Acts related to Children in order to protect them & to give them a better & sound development. In fact, certain child problems are one of the major problems in world and so as to fight and cure certain problems at an International level there are certain provisions as well.

There are certain organisations both in Indian and International level so as to observe and prevent certain problems faced by children. Example: - CRY (Child Rights and You), Childline Indian foundation, UNICEF, CIVICUS.

There are certain data's which gives us concrete proof of child being exploited, abused, being laboured both in India as well as around the world.

There are 33 million child labourers between the ages of 5-18 years in India as per Census 2011 data, and 10.13 million between the ages of 5-14 years. Worldwide, more than 200 million children are engaged in some or the other form of labour of whom at least 115 million are subject to its worst forms. 1 in every 11 children in India works to earn a living, according to statistics by ActionAid India. A recent analysis by CRY of census data in the country shows that the overall decrease in child labour is only 2.2 per cent year on year, over the last 10 years. Also, it has revealed that child labour has grown by more than 50 per cent in urban areas.

Our Constitution also has a provision to protect each and every citizen in every aspect such as: -

Article 15 (3): empowers the State to make special legal provision for children. It makes mandate to the government to ensure children's welfare constitutionally. Article 21: it mandates free & compulsory education for all the children in the age group of 6- 14 yrs.

Article 23: puts total ban on forced labour & is punishable under the Act. Article 24: prohibits employment of children in hazardous factories below the age of 14yrs.; e.g.: mine, match industries etc.

Child protection systems are a set of usually government-run services designed to protect children and young people who are underage and to encourage family stability. UNICEF defines a 'child protection system' as: the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks. These systems are part of social protection, and extend beyond it. At the level of prevention, their aim includes supporting and strengthening families to reduce social exclusion, and to lower the risk of separation, violence and exploitation. Responsibilities are often spread across government agencies, with services delivered by local authorities, non-State providers, and community groups, making coordination between sectors and levels, including routine referral systems, a necessary component of effective child protection systems.

PROVISIONS IN INDIA:²

Preamble Commitment: Justice, liberty, equality, & fraternity for all the citizens including children are the main purpose of the Constitution. Article 14: Equality before law & equal protection of laws. It is available to every person including children.

Article 15 (3): empowers the State to make special legal provision for children. It makes mandate to the government to ensure children's welfare constitutionally. Article 21: it mandates free & compulsory education for all the children in the age group of 6- 14 yrs.

² <http://www.indianchild.com>

Article 23: puts total ban on forced labour & is punishable under the Act. Article 24: prohibits employment of children in hazardous factories below the age of 14yrs.; e.g.: mine, match industries etc.

Article 51 A clause (k) & (j): the parent or the guardian to provide opportunities for education to his child or as case may be ward between the age of 6- 14 yrs. Directive principles in Constitution of India also provide protection for the children such as, Article 39 (e), Article 39 (f), Article 41, Article 42, Article 45, & Article 47.

THERE ARE MANY ACTS ENACTED IN INIDA FOR CHILDREN SUCH AS:

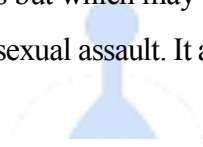
POSCO (PROTECTION OF CHILDREN FROM SEXUAL OFFENCE) ACT, 2012

This act was established to protect the children against offences like sexual abuse, sexual harassment and pornography. It was formed to provide a child-friendly system for trial underneath which the perpetrators could be punished. The Act defines a child as any person below eighteen years of age. It also makes provisions for avoiding the re-victimisation of the child at the hands of the judicial system.

The Act defines different forms of sexual abuse which includes penetrative and non-penetrative assault. It also involves sexual harassment, pornography, etc. Under certain specific circumstances POCSO states a sexual assault is to be considered “aggravated if the abused child is mentally ill or when the abuse is committed by a member of the armed forces or security forces or a public servant or a person in a position of trust or authority of the child, like a family member, police officer, teacher, or doctor or a person-management or staff of a hospital — whether Government or private.”

The Act also makes it mandatory to report such cases. It makes it the legal duty of a person aware of the offence to report the sexual abuse. In case he fails to do so, the person can be punished with six months’ imprisonment or fine. The Act further states that the evidence of the child should be recorded within a period of thirty days. The Special Court taking cognizance of the matter should be able to complete the trial within the period of one year from the date of taking cognizance of the abuse. It provides that the Special Court proceedings should be recorded in camera and the trial should take place in the presence of parents r any other person in whom the child has trust or confidence.

The Act provides for punishment against false complaints or untrue information. It describes strict action against the offender according to the gravity of the offence. It prescribes rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and also fine as punishment for aggravated penetrative sexual assault. It also prescribes punishment to the people who traffic children for sexual purposes.



FACTORIES ACT, 1948³

Section 23 is considered with the employment of young persons on dangerous machinery. Young persons are not to be compelled to work dangerous machinery unless they have full prior knowledge of the danger, are trained and there is a supervisor present at all times who is fully trained in machinery. Children are prohibited from working in any area where a cotton opener is functional.

Chapter 7 of the act concerns the employment of the young person. This section states that no child below the age of 14 will be allowed or required to work in the factory. It requires that all non-adult workers or adolescents carry tokens that show that they have been deemed medically fit by a certifying surgeon. The certificate of fitness is given for a 12-month period, and can be revoked at any point if the child is found not to be medically fit anymore. This certificate also deems an adolescent to be treated as an adult as per certain provisions of this act. An adolescent who has not been deemed an adult for provisions of this act shall be considered a child.

The act places time restrictions to the work of adolescents who have been granted a certificate to work as adults. Adolescents are only allowed to work in the factory between 6 am and 7 pm unless the state government decides otherwise. Children who have not been deemed adults shall not be allowed to work in a factory for more than four and half hours in any day and cannot work at night. They must not work more than two shifts, are not allowed to work in two factories in the same day and a register for all children working there and their hours must be maintained by the manager in every factory. An inspector has the power to order a medical check-up at any point if he suspects a child is working against the provision of this act.

³ <http://childlineindia.org.in>

CHILD LABOUR ACT, 1986⁴.

The act defines a child as any person who has not completed his fourteenth year of age. The act also prohibits children from working in places where certain processes are being undertaken, as listed in Part B of the Schedule; for example: beedi making, tanning, soap manufacture, brick kilns and roof tiles units, etc. These provisions do not apply to a workshop where the occupier is working with the help of his family or in a government recognised or aided school.

Section IV of the act outlines various remaining aspects such as Penalties. The penalty of allowing a child to work in occupations/ processes outlined in the schedule which are prohibited is a minimum of 3 months prison time and/or a minimum of Rs. 10,000 in fines. Second time offenders are subject to jail time of minimum six months. Failure to notify an inspector, keep a register, post a sign or any other requirement is punishable by simple imprisonment and/or a fine up to Rs. 10,000. Offenders can only be tried in courts higher than a magistrate or metropolitan magistrate of the first class. Courts also have the authority to appoint people to be inspectors under this act.

CHILD MARRIAGE RESTRAINT ACT, 1986.

The object of the **Act** is to prohibit solemnization of **child marriage** and connected and incidental matters. To ensure that **child marriage** is eradicated from within the society, the Government of India enacted Prevention of **Child marriage Act 2006** by replacing the earlier **legislation of Child Marriage Restraint Act 1929**.

The aim of the 1929 legislation was an attempt to prevent the solemnizing of child marriages. According to the International Journal of Humanities and Social Science Invention, “Under this Act, a “child” means a person who, if a male has not completed 21 years of age, and if female has not completed 18 years of age”. Child marriage means a marriage to which either of the contracting parties is child. This Act, prescribed 15 as the minimum age for girls, and 18 for boys, but such was the impact of the social reality and notions that the child marriage was made neither. Child Restraint Act was amended in 1978 to increase the minimum age of marriage to 18 for girls and 21 for boys.

⁴ <http://childlineindia.org.in>

The Child Marriage Restraint Act 1929 was a dead legislation that largely existed on paper. Initially, it was the disapproval and allegations of cultural interference by orthodox communities in India that put the cause on the back burner of the government. But even after progressive social reform and national independence, the intent remained only on paper.

Even though the Act insists that persons performing the marriage and adult male involved in the marriage are punishable with a fine of Rs.1000 or simple imprisonment, child marriage was not voidable and once performed was valid. Another limitation of the Act was its inability to take cognizance of an offence under this Act after the expiry of one year from the date on which it is alleged to have been committed.⁵

JUVENILE JUSTICE ACT, 2000

In this act a child or juvenile is defined as a person who has not completed his/her 18th year of age. It outlines two target groups: Children in need of care and protection and Juveniles in conflict with law. This act protects not only the rights of children, but a person's rights when he/she was a child. Meaning that if a crime or an incident took place while the person was a child, and then during the proceedings of the juvenile ceased to be of age the case would continue as if the juvenile has not turned eighteen yet.

Under this act juvenile cases cannot be processed with non-juvenile cases. A juvenile cannot be rendered unfit or 'disqualified'. Juveniles are not exposed to the media as magazines, newspapers and visual media are not permitted to release the information about the juvenile. Juveniles who run away from the Observation or Special homes can be brought back without a warrant and without punishment. Cruelty (such as assault or neglect) towards juveniles in the home or by any person in charge of him/her is a punishable offence. This act also has provisions to penalize people who exploit children for a crime. A person, who employs a child in a hazardous industry, employs him/her for begging or provides a child with drugs or alcohol is liable to serve prison and pay fines

⁵ factly.in

⁶ <http://childlineindia.org.in>

PRE- CONCEPTION & PRE- NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 2002

The main purpose of enacting the act is to ban the use of sex selection techniques after conception and prevent the misuse of prenatal diagnostic technique for sex selective abortions.

Offences under this act include conducting or helping in the conduct of prenatal diagnostic technique in the unregistered units, sex selection on a man or woman, conducting PND test for any purpose other than the one mentioned in the act, sale, distribution, supply, renting etc. of any ultra sound machine or any other equipment capable of detecting sex of the foetus.

ORGANISATIONS IN INDIA

CONVENTION ON THE RIGHT OF CHILDREN (CRC)

The United Nations Convention on the Rights of the **Child** is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation.

General principles of the Children's Convention Children's rights in the CRC reflect four general principles:

- 1. Non-discrimination (Article 2):** All rights apply to all children without exception. The state has an obligation to protect children from any form of discrimination.
- 2. Child's best interest (Article 3):** The determining factor in all actions dealing with any child should be his or her best interest. In all cases, the best interests of the child take precedence over the interests of the adults concerned (e.g. parents, teachers, guardians). However, the question of how to decide on the best interests of the child remains difficult to determine and open to discussion.
- 3. Rights to life, survival and development (Article 6):** the right of the child to life is inherent, and it is the state's obligation to ensure the child's survival and development. This means that children cannot be subject to the death sentence or to termination of life.

4. Respect for the views of the child (Article 12): The child has the right to express an opinion and to have that opinion considered in any matter affecting him or her.

NATIONAL POLICY FOR CHILDREN (NCP)

The Government has adopted a new National Policy for Children, 2013 on 26th April, 2013. The Policy recognises every person below the age of eighteen years as a child and covers all children within the territory and jurisdiction of the country. It recognizes that a multisectoral and multidimensional approach is necessary to secure the rights of children. The Policy has identified four key priority areas: survival, health and nutrition; education and development; protection and participation, for focused attention. As children's needs are multi-sectoral, interconnected and require collective action, the Policy calls for purposeful convergence and coordination across different sectors and levels of governance.

Based on the new National Policy for Children, 2013 adopted on 26th April, 2013, the Ministry developed a Draft National Plan of Action for Children (NPAC). The Plan of Action has been drafted keeping in view the existing schemes/programmes of various ministries. The purpose is to track and monitor the progress of what is already being done for children across Ministries and sectors.⁷

NATIONAL INSTITUTE OF PUBLIC CO-OPERATION & CHILD DEVELOPMENT (NIPCCD)

Mission of NIPCCD is to act as a think tank, catalyst and inventor of child rights, child protection and child development programmes by pursuing capacity building of child development functionaries, research and evaluation, networking, consultancy and advisory services as well as provision of specialised services through inter-disciplinary teams with the objectives⁸ to: -

1. Develop and promote voluntary action in social development through training & capacity building of Government and Non-Government functionaries;

⁷ <http://pib.nic.in>

⁸ <http://nipccd.nic.in>

2. Take a comprehensive view of child development through research and develop tools/design for supporting implementation of Government schemes and programmes and;
3. Coordinate Meetings of MWCD with Stakeholders under different Schemes/Programmes and Policies for furthering the objectives and provide feedback.

They majorly conduct, promote, sponsor and collaborate in research and evaluation studies in voluntary action and in child development and review programmes for children in the light of the National Policy for children and identify problems and needs in the area of voluntary action and child development and suggest approaches to meet them and advise the Central and State Governments and its agencies, and various other institutions, in the further development and implementation of policies for child development and voluntary action and to provide technical service facilities to government and voluntary organizations in the formulation and implementation of programmes of child development and voluntary action.

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

The National Human Rights Commission (NHRC) of India was established on 12 October, 1993. The statute under which it is established is the Protection of Human Rights Act (PHRA), 1993 as amended by the Protection of Human Rights (Amendment) Act, 2006.

It is in conformity with the Paris Principles, adopted at the first international workshop on national institutions for the promotion and protection of human rights held in Paris in October 1991, and endorsed by the General Assembly of the United Nations by its Regulations 48/134 of 20 December, 1993.

The NHRC is an embodiment of India's concern for the promotion and protection of human rights. Section 2(1)(d) of the PHRA defines Human Rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India⁹.

⁹ <http://nhrc.nic.in>

National Human Rights Commission of India, responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".

ORGANISATIONS IN WORLD

UNICEF

The **United Nations International Children's Emergency Fund** was created by the United Nations General Assembly on 11 December 1946, to provide emergency food and healthcare to children in countries that had been devastated by World War II.

Most of UNICEF's work is in the field, with a presence in 190 countries and territories. UNICEF's network of over 150 country offices, headquarters and other offices, and 34 National Committees carry out UNICEF's mission through programs developed with host governments. Seven regional offices provide technical assistance to country offices as needed.

In 1950, UNICEF's mandate was extended to address the long-term needs of children and women in developing countries everywhere. In 1953 it became a permanent part of the United Nations System, and the words "international" and "emergency" were dropped from the organization's name, making it simply the United Nations Children's Fund, retaining the original acronym, "UNICEF"

SAVE THE CHILDREN

The Save the Children Fund, commonly known as **Save the Children**, is an international non-governmental organisation that promotes children's rights, provides relief and helps support children in developing countries. It was established in the United Kingdom in 1919 in order to improve the lives of children through better education, health care, and economic opportunities, as well as providing emergency aid in natural disasters, war, and other conflicts.

In addition to the UK organisation, there are 29 other national Save the Children organisations who are members of the Save the Children Alliance, a global network of non-profit organisations

supporting local partners and Save the Children International in more than 120 countries around the world. Further, Save the Children has been involved in other initiatives through partners such as Bernard Arnault Africa Relief (BAAR International), which has operations in various parts of Kenya such as Elgeyo Marakwet, Kajiado, Homa Bay, Narok, Makueni and Machakos, as well as Southern Sudan.

The organisation promotes policy changes in order to gain more rights for young people especially by enforcing the UN Declaration of the Rights of the Child. Alliance members co-ordinate emergency-relief efforts, helping to protect children from the effects of war and violence. Save the Children has general consultative status with the United Nations Economic and Social Council.

RED CROSS

The International Red Cross and Red Crescent Movement is an international humanitarian movement with approximately 17 million volunteers, members and staff worldwide which was founded to protect human life and health, to ensure respect for all human beings, and to prevent and alleviate human suffering.

The movement consists of several distinct organizations that are legally independent from each other, but are united within the movement through common basic principles, objectives, symbols, statutes and governing organisations. The movement's parts are:

- The International committee of the Red Cross (ICRC) is a private humanitarian institution founded in 1863 in Geneva, Switzerland, in particular by Henry Dunant and Gustave Moynier. Its 25-member committee has a unique authority under International Humanitarian Law to protect the life and dignity of the victims of international and internal armed conflicts.

The International Federation of Red Cross and Red Crescent Societies (IFRC) was founded in 1919 and today it coordinates activities between the 190 National Red Cross and Red Crescent Societies within the Movement. On an international level, the Federation leads and organizes, in close cooperation with the National Societies, relief assistance missions responding to large-scale emergencies. The International Federation Secretariat is based in Geneva, Switzerland. In 1963,

the Federation (then known as the League of Red Cross Societies) was awarded the Nobel Peace Prize jointly with the ICRC.

DATAS AND CASES¹⁰

CHILD LABOUR

Worldwide, more than 200 million children are engaged in some or the other form of labour of whom at least 115 million are subject to its worst forms. India, the world's fastest growing major economy, has the largest number of child labourers. At 10.1 million, the figures are staggering and with the age group being between five-fourteen years, the menace of child labour is even more alarming.

It is a common sight in India to see children selling inexpensive toys and other goods, books, food packets, water bottles, etc., at the road side or near traffic signals, ironically, when they are themselves deprived of all these materials.

Children are employed in factories to produce goods like matchsticks, tobacco, fireworks, etc., exposing them to hazardous environs that take a toll on their health. They are also hired as domestic help, despite the laws opposing any such employment.

The Child Labour Prohibition Act 1986 bans the employment of children below the age of 14 in many professions, such as aide at home or workplaces. Children can be seen catering to people at roadside small restaurants, in small shops, hotels, etc.

There is also a big group of children working in agriculture (half of the total population of child labour, as per a leading Indian government news agency) but Indian laws do not prohibit child labour in agriculture and so the farms and fields have small hands ploughing them.

The Indian constitution does prohibit employment of children below 14 years in “hazardous occupations”, but it is apparently overlooking the harm that can be caused by exposure to pesticides and bacteria while working in the field.

¹⁰ <https://mediaindia.eu>

As per data from the 2011 Census, almost 73% of the working children in India from the age group of 5-18 years do not go to school. Although the Right to Education Act 2009 ensures all children aged between six-fourteen years the right to free and compulsory education, the available data tells a different story. Lack of education is not going to help the situation, especially considering that it is one of the primary reasons forcing the children to work in the first place.

As per UNICEF India, the reasons that thrust children towards paid work are many ranging from lack of education to monetary problems, social reasons etc., most of which can be avoided with proper legislative action. -There are 33 million child labourers between the ages of 5-18 years in India as per Census 2011 data, and 10.13 million between the ages of 5-14 years. In the case

1. MC Mehta vs State of Tamil Nadu & Others¹¹

Writ Petition (C) No. 465/1986, which was filed and decided in 1996

The judgement is a historic judgement on child labour, which elaborated the situation of child labour in India. It outlines the vision of Constitution with respect to children. The judgement highlighted the relation between poverty and child labour and also shed light on how the state has failed to eradicate child labour, and its lack of zeal to deal with it. The judgment also deliberated on possible solutions to eradicate the child labour.

Some of the key statistics on child labour in India:

As per data given out by Save the Children NGO, one in every eleven children in India works to earn a living, according to statistics by ActionAid India. There are five states which are the India's biggest child labour employers¹²-

Bihar: - 451590

Uttar Pradesh: - 896310

Andhra Pradesh: - 404851

Madhya Pradesh: - 286310

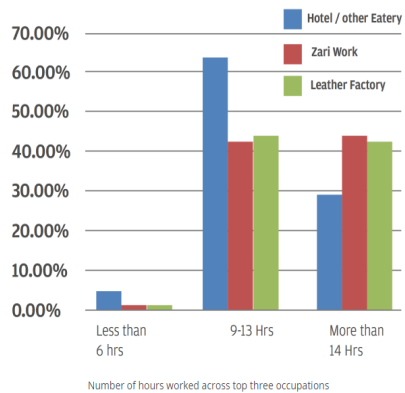
¹¹ hrln.org

¹² www.moneycontrol.com

Maharashtra: - 496916.

National capital Delhi is responsible for a share of 1 million child labour alone.

A recent analysis by CRY of census data in the country shows that the overall decrease in child labour is only 2.2 per cent year on year, over the last 10 years. Also, it has revealed that child labour has grown by more than 50 per cent in urban areas.

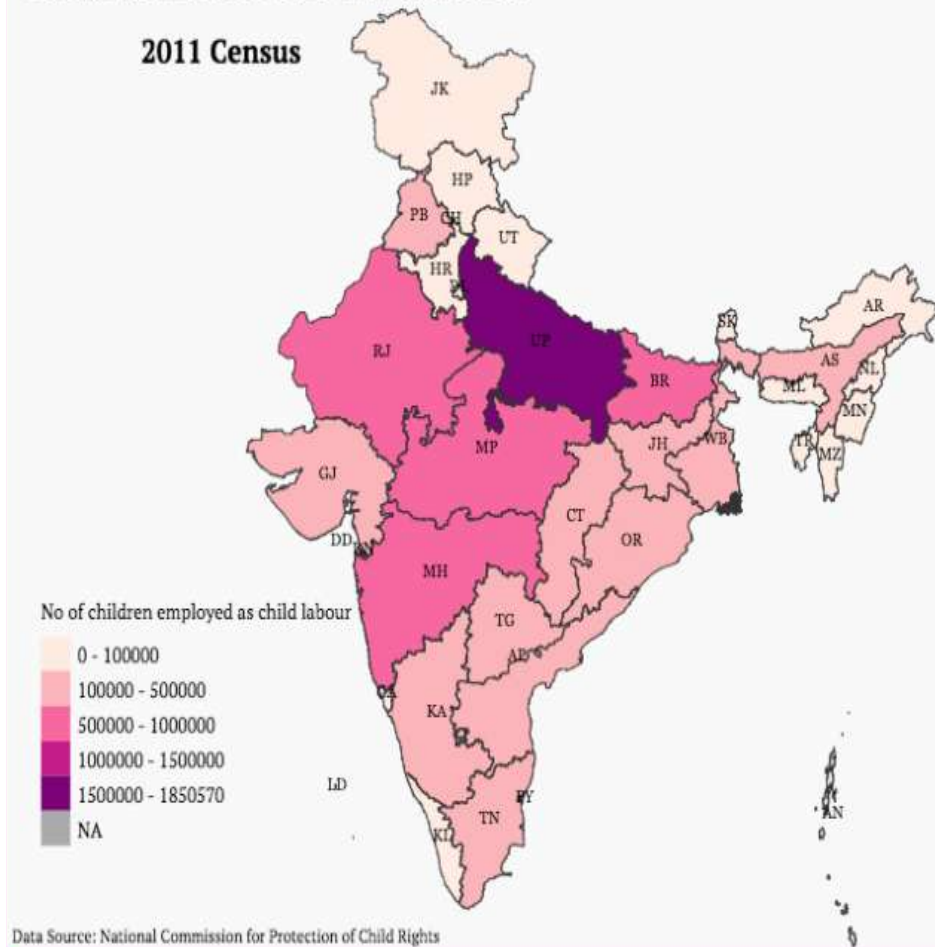


From the data above, it is clear that child is being forced to work around 14 hours in most of the sectors like hotels, leather factory, zari work places while according to provision work should not exceed more than four and half hour.



Child Labour in India

2011 Census



In India alone, there are over 82 lakh child labourers between the ages of 5 and 14, according to Census data. Although the trends suggest that there is a stark decrease in child labour in India, it is still a pressing problem in the country. Uttar Pradesh has the highest number of child labourers in the country, followed by Maharashtra, Bihar, Andhra Pradesh and Madhya Pradesh.¹³

CHILD MARRIAGE www.lawmantra.co.in

Census of India 2011 revealed that 12 million persons were married before they reached 10 years of age. A staggering 65% of the 12 million being girls. These numbers are shocking considering that India's first legislation on the subject of minimum age of marriage was drafted in 1929 called

¹³ <https://www.latestly.com>

the Sarda Act or the Child Marriage Restraint Act. According to the original act, the minimum age of marriage for girls was 15 and 18 for boys.

Today, more than 80 years after that legislation, there is a lack of consensus in openly accepting that child marriages legitimize human rights violations. The lack of comprehensive legal reform to curb the problem is an outcome of low political and social priority that is associated with children in India. India ratified the United Nations Convention on the rights of the child in 1989 but India's child protection laws remain open ended and isolated from each other.

CHILD KIDNAPPING/ ABDUCTION

Child kidnapping is an unauthorised removal of child from the custody of the child's natural guardian or legally appointed guardian. The share of child kidnapping in overall kidnapping rose from 23% in 2006 to 40% in 2012 and then raised to 60% in 2016¹⁴.

Bihar, Assam and Karnataka have seen the greatest increase in rate of kidnappings of children in the last decade with about 59.6% increment in child kidnapping in Bihar and similarly with the increment of 49.4% in Assam and 41.6% in Karnataka.

State of Uttar Pradesh V/s Shailendra Kumar Pal¹⁵

It was the case in which accused by alluring, enticing took consent of the girl to elope with him and in charge sheet he was charged for Section 363, 366, 376 of Indian Penal Code that is charged for kidnapping, inducing women to compel her marriage, for rape and Section 4 of PocsO Act that is punishment for penetrative sexual assault.

State of Uttar Pradesh V/s Santosh Kumar Dome¹⁶

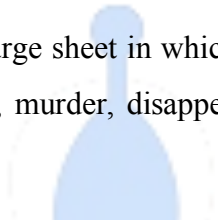
¹⁴ ncrb.gov.in

¹⁵ Case no. 43/14

¹⁶ Case no. 12/98

In the present case application was filed by the victim's family that his son didn't come back and had doubt on certain persons that they allured his son and had doubt that his son was killed by such persons.

In the present case police prepared charge sheet in which accused were charged for Section 364, 302, 201 that is charge for abduction, murder, disappearance of evidences under Indian Penal Code, 1860.



CONCLUSION

The increased crime rate against the children, even after enacting so many laws & implementing them, has raised an alarming concern all over the world as children are being misused for fulfilling some people's illegal purposes. So along with various laws, it is also our social responsibility to take care of the children & to protect their rights. SEND is short for special educational needs or disabilities the term covers a wide range of conditions that mean the child concerned requires extra support in their learning. Conditions may include problems in thinking and understanding, physical or sensory difficulties and/or difficulties with speech and language. Emotional and behavioural difficulties are also covered. There have been some changes to provision recently, as a new framework came into effect in England in September 2014.

Under the Children and Families Act 2014, SEND children with complex needs are being transitioned to education, health and care plans (EHCPs), which operate until they are 25 years old. The aim of EHCPs is to put more emphasis on personal goals and to describe the support a young person will receive while they are in education or training. Those with an EHCP also have the legal right to ask for a personal budget, which they agree with their council.

Data's above shows the actual situation of our country. This kind of situation can only be cured by sensitising first and foremost society and then certain organisations, various groups about the prevailing laws and the procedure to implement that laws either by organising workshops, counselling or by training as being done in DIAL 100.

One of the major problems that we came to know while research was the trial time. In both of the cases mentioned in child kidnapping was filed in 1997 in juvenile court but till now it is under trial which majorly affects the mental stability not only of the accused person but also affects his /her

family. Such kind of mental trauma will lead to many disadvantages and depressions and certain problems in further life.

Training to public officers and citizens help them to know their rights, remedies available to them. As now a days counselling has been started by certain institutes, universities which greatly helped people in rural areas to know about their rights and remedies and certain organisations which are available for them to help in need. Ultimately sensitising, counselling, training will be one of the greater ways to curb the problems.

As in England programmes like SEND and EHCP were started for better future of children there with better implementation and monitoring power which genuinely helped to curb the situation. If the same steps in a very same way are followed in India i.e. proper monitoring of the organisation like CRC, NHRC, UNICEF etc. will majorly be able to curb the problem faced by children.

In fact, targeting today's generation will not only curb the problems but also directly reduces the number of problems faced by children not only in India but also in whole world.

