

GENERAL

II. RIGHTS AND PRIVILEGES OF CHILDREN

MAJOR CONSTITUTIONAL PROVISIONS

The Constitution of India came into force in 1950. It contains provisions for survival, development and protection of Children. These are included both in Part III and Part IV of the Constitution pertaining to Fundamental Rights and "Directive Principles of State Policy". A list of major Constitutional provisions relating to Children is given below:-

1. Fundamental Rights

- **Article 14:** ... shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

- **Article 15:** ... shall not discriminate against any citizen... (3) Nothing in this article shall prevent the State from making special provision for women and children. (4) Nothing ... shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

- Article 17:** "Untouchability" is abolished and its practice in any form is forbidden. ...

- **Article 19:** (1) All citizens shall have the right – (a) to freedom of speech and expression; ... (c) to form associations or unions; (d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India.

- **Article 21:** No person shall be deprived of his life or personal liberty except according to procedure established by law.

- **Article 21 A:** ... shall provide free and compulsory education to all children of the age of six to fourteen years...
- **Article 23:** Traffic in human beings and beggar and other similar forms of forced labour are prohibited...
- **Article 24:** No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

2. Directive Principles of State Policy

• **Article 39:** ... (e) ... the tender age of children are not abused... and not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood... protected against exploitation and against moral and material abandonment.

• **Article 45:** ...provide early childhood care and education for all children until they complete the age of six years.

• **Article 46:** ...shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes,...

• **Article 47:** ...raising of the level of nutrition and the standard of living of its people and the improvement of public health...

• **Article 51:** The State shall endeavour to – ... (c) foster respect for international law and treaty obligations ...

• **Article 51A:** ... (k) ... parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.