

India's International Commitment Towards Her Children

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ABSTRACT

The 5th edition of the World Congress on Justice with Children held in Madrid, Spain was concluded on 4th June 2025. The theme of the event was "Advancing Child-Centred Justice: Preventing and Responding to Violence Affecting Children in the Child Justice Systems." This event brought together global experts, policymakers, judges, legal professionals, academics, civil society members, children and youth to address the theme of the congress. However, few days after this mega event on 23rd June 2025 one of India's most renowned newspapers, the Times of India, published a report prepared by the voluntary organization India Child Protection. The data presented in this report was shocking and stirred the conscience of both Indians and the international community. This prompted my focus on the research regarding "India's International Commitment Towards Her Children." The aim of this study is to verify whether India has agreed to and ratified international agreements concerning children, as well as to assess if its domestic laws align with these agreements.

Keywords: Children, International, Indian, Laws

1. INTRODUCTION

At the backdrop of 5th world congress on Justice with Children concluded at Madrid, Spain on 4th June 2025¹ and report published by The Times of India² on 23rd June 2025 this paper is accessing India's commitment towards her children at International and domestic forum. There are various international instruments which include international conventions and international declarations that India is signatory to. These international instruments put an obligation upon each signatory State to adhere to the principles enshrined therein. In order to analyse India's commitment towards such international instruments to which India is a signatory, the researcher has referred to the United Nations Convention on Rights of the Child, 1989;³ World Declaration on the Survival, Protection and Development of Children, 1990;⁴ Millennium Development Goals, 2000;⁵ A World Fit for Children Declaration; 2002;⁶ and Master Plan of Operation 1999-2002 of United Nations International Children's Emergency Fund.

¹ Council of Europe at the 5th World Congress on Justice with Children - Children's Rights

² Ambika Pandit, 90% kids rescued last year were from child labour: Report, TOI, jun 23, 2025

³ http://timesofindia.indiatimes.com/articleshow/122014262.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

⁴ The Convention on the Rights of the Child: adopted by the General Assembly of the United Nations on 20 November 1989, Geneva: United Nations, 1989, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

⁵ World Declaration on the Survival, Protection and Development of Children, agreed to at the World Summit for Children, 1990 New York: United Nations, 1990 available at <https://www.unicef.org/wsc/declare.html>.

⁶ Annex 1; Achievement Of The Millennium Development Goals By India: Key Drivers, United Nations India And The Millennium Development Goals Towards A Sustainable Future For All, 2000 (United Nations ESCAP(Economic and Social Commission for Asia and the Pacific on behalf of the United Nations Country TeamIndia), available at: http://www.unicef.org/india/items/India_and_the_MDGs_small_web.pdf.

⁷ A World Fit for Children (2002): adopted by United Nations General Assembly in 2002. UN General Assembly Special Session on Children, New York: United Nations, 2002, available at: https://www.unicef.org/specialsession/docs_new/documents/wffc-en.pdf.

2. INTERNATIONAL CONVENTION: UNITED NATIONS CONVENTION ON RIGHTS OF CHILD, 1989

With respect to the cases of involving children, the principle of “Best Interest of the Child” is a universally acclaimed standard.⁷ Article 3,⁸ of the United Nations Convention on Rights of Child, 1989, (“CRC”) specifically puts an obligation on the State parties to follow the principle of the “Best Interest of the Child” in all actions concerning children. The CRC, which is binding on the State Parties, in the first clause of Article 3, does not give any specific situation or does not mandate a particular authority to follow the principle of “Best Interest of the Child”. Instead, it says that all the actions undertaken by all the authorities, whether private or public;

whether it is the legislature, executive or the judiciary; must ensure that the “best interest of the child” is the primary consideration in issues related to children. The second clause of Article 3 makes it mandatory for the State Parties to take all the necessary legislative and administrative measures in order to ensure that the required protection and care of the child for his/her well- being is procured by the parents, legal guardian or an individual who is legally responsible for the child. The third clause of Article 3 also directs the State Parties to ensure that in the institutions, services and facilities responsible for the well-being of the child must endorse the standards set by the competent authorities in this field; especially the standard with respect to the safety and health of the child as well as the strength and expertise of the members involved and employed.

3. INTERNATIONAL DECLARATIONS

India is not only a party to the CRC but has also accepted the World Declaration on the Survival, Protection and Development of Children,⁹ adopted by World Summit on Children in 1990. Acknowledging the “role of the family” in its Plan of Action,¹⁰ the said Declaration states: *“The family has the primary responsibility for the nurturing and protection of children from infancy to adolescence..... Every effort should be made to prevent the separation of children from their families. Whenever children are separated from their family owing to force majeure or in their own best interest, arrangements should be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in a child's upbringing in his or her own cultural milieu. Extended families, relatives and community institutions should be given support to help to meet the special needs of orphaned, displaced and child's upbringing in his or her own cultural milieu. Extended families, relatives and community institutions should be given support to help to meet the special needs of orphaned, displaced and abandoned children. Efforts must be made to ensure that no child is treated as an outcast from society.”* The State is committed to support children by not separating them from the families and if at all they have been separated in their best interest, the State should provide arrangements for appropriate alternative family care or institutional placement. For an orphaned, abandoned or displaced child the family which is taking care of that child must be supported by the State.

4. MILLENNIUM DEVELOPMENT GOALS

India is also a signatory to Millennium Development Goals adopted as Millennium Declaration in the year 2000 (‘MDG’).¹¹ The eight Millennium Development Goals,¹² had been adopted by India with the commitment to achieve them.¹³ Out of the eight goals, 1, 2, 3, and 4 are to “eradicate poverty” “eradicate hunger”; “achieve universal primary education”; and “reduce child mortality” respectively. One of the goals of MDG was to reduce child mortality of children below 5 (five) years of age to two third and this goal was to be achieved by the year 2015, however these goals expired in the year 2015. On 25 September, 2015 MDG was replaced by the 2030 Agenda for Sustainable Development, which was adopted by the United National General Assembly to finish the unfinished task of MDG.¹⁴ There are 17 Sustainable Development Goals, out of which, goals 1,2,3,4 and 5 directly or indirectly impacts children as they involve “eliminating poverty”, “end hunger”, “good health and wellbeing”, “quality education” and “gender equality” respectively.¹⁵ India is signatory to the Declaration on the 2030 Agenda for Sustainable Development.¹⁶ Indian Government has initiated various programs for implementing

⁷ 2 FLAVIA AGNES, MARRIAGE, DIVORCE, AND MATRIMONIAL LITIGATION, FAMILY LAW 255 (Oxford University Press, New Delhi, 2011).

⁸ *Supra* note 1 at Art. 3

⁹ *Supra* note 2

¹⁰ Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, New York: United Nations, 1990, available at <http://www.un-documents.net/wsc-plan.html>.

¹¹ *Supra* note 3

¹² Eight Goals for 2015, United Nations Development Programme in INDIA, available at: <http://www.in.undp.org/content/india/en/home/post-2015/mdgoverview.html>

¹³ *Id*

¹⁴ Seventieth Session, United Nations General Assembly, Resolution adopted by the General Assembly on 25 September 2015, 21 October 2015, available at: http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf.

¹⁵ “UN Adopts New Global Goals, Charting Sustainable Development for People and Planet by 2030”, UN News, Global Perspective Human Stories, 25th September 2015, available at:

<https://news.un.org/en/story/2015/09/509732-un-adopts-new-global-goals-charting-sustainable-development-people-and-planet>.

¹⁶ Research and Information System for Developing Countries, “India and Sustainable Development Goals : The Way Forward”, 2016, New Delhi, available at:

ris.org.in/sdg/india-and-sustainable-development-goals-wayforward

Sustainable Development Goals and the responsibility of making these goals operational is upon the NITI Aayog.¹⁷

5. A WORLD FIT FOR CHILDREN DECLARATION

India is also a party to the United Nations General Assembly Special Session on Children which was held in 2002, which adopted a declaration named A World Fit for Children Declaration (2002).¹⁸ This was the first of such summits dedicated to children and adolescents. In consonance with this declaration, the Indian government along with United Nations International Children's Emergency Fund ("UNICEF") prepared a national report.¹⁹ This report provided the measures the Indian government has taken to achieve the MDG and what more needs to be done to reach the final goal. Further, the Indian government in collaboration with UNICEF implements projects through Master Plan of Operations,²⁰ as a result India is progressing to achieve the MDG but is still far away from the desired target.²¹ Along with international commitments to ensure basic substantive rights to each child, the Indian domestic law also strives for the same.

6. ENFORCEMENTS TO EXPRESS COMMITMENT FOR THE WELFARE OF INDIA'S CHILDREN

India has introduced or modified various laws to more closely align with the principles and provisions of the Convention and other instruments. These legal reforms highlight India's dedication to fulfilling the CRC and other international instruments within its own legal framework. For instance, **Bhartiya Nyay Sanhita, 2023**²² under chapter V protects children from any crime committed against them. **The Juvenile Justice (Care and Protection of Children) Act, 2015**²³ has been enacted by repealing previous laws dealing with rehabilitation of children in conflict with law and children in need of care and protection. **The Protection of Children from Sexual Offences (POCSO) Act, 2012**²⁴ a law addressing sexual offenses against children has been enacted by the Government in 2012. **The Right of Children to Free and Compulsory Education Act, 2009**²⁵ was enacted to implement the fundamental right to education under Article 21A. **The Prohibition of Child Marriage Act, 2006**²⁶ is implemented to eradicate child marriage.

Similarly, many amendments were made in existing laws to meet international standards to protect children from any harm for example, **The Immoral Traffic Prevention Act, 1956**,²⁷ added stronger protections for child victims.

In 2007, **The National Commission for Protection of Child Rights** was established under the Commission for Protection of Child Rights Act, 2005,²⁸ as an autonomous legal entity responsible for overseeing the enforcement of children's rights in the country.

7. CONCLUSION

Children are future of any Nation and Governments must take responsibilities of their wellbeing. India is committed to take care of her younger citizen and is framing laws towards fulfilment of her commitment towards them. Authorities under above-mentioned statutes in India have the power and duty to protect children from abuse and violence of any kind.

¹⁷ Voluntary National Review Report, "On The Implementation Of Sustainable Development Goals", United Nations High Level Political Forum, 2017, p. 09, available at: <https://sustainabledevelopment.un.org/memberstates/india>.

¹⁸ *Supra* note 4

¹⁹ National Report on A World Fit for Children, Ministry of Women and Child Development Government of India 2007; available at : https://www.unicef.org/worldfitforchildren/files/India_WFFC5_Report.pdf.

²⁰ GOI- UNICEF Master Plan Of Operation. 1999-2002s; UNICEF -New Delhi, IN, India -IN (New Delhi, 1999).

²¹ 1 Girl Child in the Eleventh Five Year Plan, Working Group on Development of Children for the Eleventh Five Year Plan (2007-2012, Ministry of Women and Child Development Government of India, (New Delhi), available at: https://www.aicte-india.org/downloads/girl_child_XI_five_year_plan.pdf.

²² ACT NO. 45 OF 2023

²³ ACT NO. 2 OF 2016

²⁴ ACT NO. 32 OF 2012

²⁵ ACT NO. 35 OF 2009

²⁶ ACTNO. 6 OF 2007

²⁷ ACT NO. 104 OF 1956

²⁸ ACT NO. 4 OF 2006