

**Course Name: Adolescent Health and Well-being: A Holistic Approach**

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**Week: 04**

**Lecture: 19**

Lecture 19 - Legislations for Adolescents

Hello everyone.

Welcome back again to the last week of this course and my last lecture of this course. So today we are going to deal with the Legislations for Adolescents. The various concepts that we will be covering in this lecture are the history of child rights, the rights and entitlements of adolescents in India, what are the major legislations regarding adolescents in India, what are various challenges in implementation of the legislations and the various solutions for implementation of legislations regarding adolescents in India. The various keywords in my presentation are child rights, child labour, POCSO Act, Juvenile, RTE Act, etc.

Now let's have a look at the history of child rights in the world. So, it was in 1840s in France, that is the first time the idea of special protection to the children actually emerged. Then the laws were enacted in France itself since 1841 to protect children in the workplace and to also grant them the right to be educated. But it was only after the first World War that the world actually began to recognize that there is need for special rights for children as well.

Coming to establishment of UNICEF. Now the establishment of UNICEF was a major boost as far as children's rights across the world is considered. UNICEF originally called United Nations International Children's Emergency Fund, now officially being called United Nations Children Fund. UNICEF has been working in India since 1949. It has been an active partner of the government in its quest to achieve children's rights in India. Now during the 1980s UNICEF had assisted the UN Commission on Human Rights in the drafting of the Convention on the Rights of the Child. Now speaking about the same, the United Nations Convention on the Rights of the Child, that is UNCRC, was unanimously adopted by the UN General Assembly on 20th November 1989. And this basically became the first internationally binding instrument which recognized all the fundamental rights of the child. And India ratified the UNCRC in December 1992, so 3 years after it being adopted.

Now moving to the history of child rights in India. So, the child rights in India have had a prolonged history which are influenced by traditional Hindu laws, British colonialism and independent governance. Now having a look at the child rights under the traditional Hindu law, so the care and protection, so there are inheritance rights, the child have access to education, protection against abuse and discrimination as well under the traditional Hindu law. Moving to the responsibility under the traditional Hindu law, so the parents are responsible for their children's survival, for their children's protection, health care and education as well. Now having a look at the precedence, so Manusmriti, this was an ancient Indian law code which outlined protection of children and their rights. And this was one of the many legal texts and constitutions among the many Dharmashastras that Hinduism has. The Manusmriti, it presents itself as a discourse which is given by Rishi Manu and Raghu on dharma topics which may range from duties, rights, laws, conducts, virtues among the others.

Coming to the child labour laws under the British colonialism. Now along with the British rule, while they brought industrialization, while they brought urbanization, what came along was child labour. The child labour abolition act was introduced by British India in 1938 which set a minimum age for employment and limited the working hours of the children. Following the Indian independence, India would establish its own laws governing child labour. Now coming to the post-independence area, the constitutional provisions for child rights. In 1950, the constitution of India declared equal protection and care for children. In 1960, the Juvenile Justice Act is introduced to protect, treat and reintegrate juvenile offenders. So, this was a major development as far as adolescence legislations in India is considered. Come in 2009 and the right of children to free and compulsory education was established ensuring free education for all children aged 6 to 14 years.

Now what are the legal frameworks on adolescent rights in India? The first and foremost being the constitution of India. The constitution of India, this provides some measures to safeguard the rights of children and adolescents as well. The next is the convention on the rights of the child of which India is also signatory and which highlights the importance of protecting children's right as well. These are the convention on the rights of the child which was adopted by the General Assembly on the United Nations in 1989. What are the various rights enshrined under this convention? The right to have best interests looked after, right to be heard and be respected, right to expressing oneself, right to be safe and not discriminated against, the right to learn and develop, right to access information and the right to participate.

What are the various rights and entitlements of adolescents in India? Right to education, so that the adolescents have the right to free and compulsory education under the Right to Education Act 2009. We would be discussing this in more detail in the upcoming slides. Right to health, now the adolescents have the right to proper health care including safe and confidential access to reproductive and sexual health services as well. Now India is plagued by lot of issues like appropriate health care, lack of immunization, absence of sanitation, unsafe deliveries at many places, infection and malnutrition and these are responsible for a

number of child deaths. Next coming to the right to expression, so the adolescents have the right to express themselves freely and have their opinions and views taken into account and this also refers to adolescents' right to have access to information, to participate in decisions which affect their lives. The adolescents have right to be protected. More than 69% of children aged 5 to 18 years old are victims of abuse. A large number of children are victims at home and school as well. Next is the right to identity. Now the right to identity, what this means is each child's existence and rights must be officially recognized. The right to food, now although India has been producing surplus food, a significant section of the population still remains undernourished. Right to safe water, in many areas access to potable water remains a considerable issue even today and due to this the children living in these areas, these are most susceptible to various health problems, these may cause despair and leading to death as well.

Now coming to the major legislations regarding adolescents in India. So, these are Juvenile Justice Act 2015, the Child Labour Act 1986, Prohibition of Child Marriage Act 2006, the POCSO Act 2012, Immoral Traffic Prevention Act 1956 and the Right to Education Act 2009. Let's have a look at them one by one. The Juvenile Justice Act 2015, now according to this act a juvenile is a child below the age of 18 years. The Juvenile Justice Act focuses on the care, focuses on the protection and rehabilitation of the children in need of care and protection as well as children in conflict with the law. What are the objectives and key provisions under this act? Now this act basically emphasizes on a child friendly approach. This act puts the welfare of the child as its topmost priority and it seeks to provide a child friendly approach to the justice system. The next objective being an age-appropriate treatment. So, this act provides a comprehensive framework for age-appropriate treatment of juveniles and this includes their care and protection, their education and vocational training for their rehabilitation. Next is rehabilitation and reintegration. It is important that these juveniles are brought back to the society and reintegrated. So, this act aims to ensure the rehabilitation, reintegration of juveniles back into the society, back into the normalcy including after care services and provisions for their families as well.

The next objective is emphasizing on a non-punitive approach. So, the act emphasizes a non-punitive approach to deal with juvenile offenders. The focus is on reforming and rehabilitation because they are of a tender age rather than punishment. Now this act has a juvenile justice system. So, this juvenile justice system aims to protect the rights of the children in conflict with the law and to promote the rehabilitation and reintegration back into the society. This also has juvenile justice boards who are responsible for the care, protection, treatment and rehabilitation of the children in conflict with the law. And the system provides various forms of rehabilitation which includes counseling, vocational training and after care services as well. Now what are the special procedures and care for juveniles under this act? We have the child care homes. So, this act basically provides for the establishment of child care homes for the care and protection of the children in conflict with the law. They also have the provision of juvenile homes which are established for the rehabilitation and reintegration of juveniles and these are under the supervision of trained professionals. Education and vocational training. So this act mandates education and

vocational training of the juveniles and these are aimed at equipping them with the necessary skills which are required for successful reintegration back into the mainstream, that is into the society.

Next is mental health support. Now this mental health support is very important for the fragile juveniles which not given at the correct age might resort them into bad practices. So this act provides for mental health support for juveniles recognizing the importance of addressing any underlying psychological issues and that may contribute to their delicate behavior as such.

Now let's have a look at the rights and duties of the juveniles. Now the juveniles have the right to be treated with dignity and with respect. They have the right to educate, the right to education and vocational training. They have the right to legal representation and have a fair trial in the proceedings and they have the right to be heard during court proceedings as well. Let's have a look at the rights of the parents or guardians. So, the parents or guardians have the right to be informed of the legal proceedings and the outcomes. The parents have the right to participate in the rehabilitation and reintegration process. The parents have the right to visit the child in the child care home or juvenile home and the parents have the right to appeal the decision of the juvenile justice board.

Next coming to the child labour act 1986. So according to this act, the child labour is the practice of having children engaged in economic activity on a part time or full-time basis. Now India accounts for the second highest number of child laborers in the world. That's alarming numbers and there are almost 20 million bonded child laborers in the country. Now what is the scope of this act? Under this act, basically there is prohibition of employment of children under the age of 14 in all occupations and this act also lists hazardous occupations that are prohibited for adolescents aged 14 to 18 years as well. Now there are certain exceptions to this act such as for family businesses, agriculture and entertainment as well as for children engaged in vocational training programs. Now the act that is the child labour act is enforced by the state level authorities who are responsible for the inspection, monitoring and implementing penalties for violations as well. Now the impact this labour act has, it has helped to reduce child labor in India although much more needs to be done to address the persistent challenges such as poverty and lack of education which have been plaguing India for a while.

Now what are the consequences of child labour? Now this child labour, resorting to child labour leads them, leads the adolescents to poor mental, physical and social development. Now as a consequence of child labour, the adolescents may resort to high-risk behaviors as well. The poor working environment, they may adversely affect the development of the individuals and the constant physical work in these occupations, the adolescents may land up into injuries as well. Now what are the punishments under this child labour act? So basically, employing any child or permitting any child to work under first conviction, the imprisonment is for not less than 6 months which may be extended to 2 years as well or a fine not less than 20,000 which may be extended to 50,000 or with both these punishments. On subsequently getting convicted, the imprisonment is for not less than 1 year which may

be extended to 3 years as well. Again, for employing any adolescent or permitting any adolescent to work, the first conviction, the punishment is same as that for a child and even for the subsequent conviction, the punishment remains the same.

Next coming to the prohibition of child marriage act 2006. Now under this act, basically child marriage is defined as marriage before the age of 18 years for females and 21 years for males and this act prohibits the same. This act also provides for annulment of child marriage and stringent punishments for the violators. Now the impact of this act is basically delaying the age of marriage. This is very beneficial for girls as they stay in school longer, they achieve higher levels of education and this leads to better employment opportunities for them, also improved health outcomes.

Now what are the various challenges that this act faces? We all know that unfortunately child marriage still remains a significant problem particularly in rural and impoverished areas where they are still stuck to the age-old practices. Many families still see early marriage as a way to alleviate their own financial burdens or to protect their daughters from the harm. The way to move ahead is greater awareness and social mobilization to change basically the attitude and behaviors that perpetuate child marriage at first and strengthen enforcement of laws and policies that protect the adolescent girls' rights.

Next coming to the POCSO act 2012. The POCSO act or the protection of children from sexual offenses act 2012, this is a comprehensive law that defines a range of sexual offenses against children which includes sexual assault, sexual harassment and watching or distributing child pornography. Now this act is designed to protect children from such offenses while also providing for their care and support in the aftermath of such crimes. Child safeguarding. So, organizations which work with children they are required by law to implement measures for the safeguarding of children which includes prevention and response to sexual offenses as well. Fast track codes. Now these codes are set up for the speedy trial of cases which relates to sexual offenses against children and women and these prioritize the interest of the victim and ensure swift justice so that people resort to such fast track codes and don't move to the regular codes where these processes are quite prolonged.

The impact of this act, the act has had a positive impact in raising awareness about child sexual abuse and also encouraging victims to report such crimes. There are still continuous challenges regarding stigma of people coming out in the open after such issues, fear of reprisals, legal barriers that hinder justice and protection for victims. Next moving on to the Immoral Traffic Prevention Act 1956. Now the Immoral Traffic Prevention Act 1956 was enacted in the very early years of independent India to prevent the widespread issue of human trafficking and prostitution. Now this act has undergone various changes since it was first incepted but remains an important piece of legislation in contemporary India.

Now what are the various objectives of the act? Preventing trafficking of persons. This act was passed to stop the exploitation of women and children in prostitution and other immoral activities. Punishment for the immoral activities. This act provides punishment for those people engaging or who are facilitating prostitution, brothel keeping and various

other immoral activities. Social Objectives. Basically, the social objective is to promote public order and moral values in the society and ensure that people are not deprived of their fundamental freedoms due to their involvement in prostitution. Now this act defines brothel as including any house, room or place or any portion of any house, room or place which is used for the purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes. Now what are the provisions of the punishment under the Immoral Traffic Prevention Act 1956? Any person who keeps, manages or acts or assists in the keeping or management of a brothel, first time convicted, the punishment is rigorous imprisonment for a term of not less than 2 years which may be extended to 3 years and a fine of Rs. 10,000. On subsequent conviction, the punishment is rigorous imprisonment for a term of not less than 3 years but may be extendable to 7 years and a fine up to Rs. 2 lakhs. Any person who is found committing trafficking in person, the first conviction, the punishment is rigorous imprisonment for a term of not less than 7 years and on subsequent conviction there is life imprisonment. Any person who visits or is found in a brothel for the purpose of sexual exploitation of any victim of trafficking in person, the first conviction punishment is imprisonment for a term of 3 months or fine up to Rs. 20,000 or with both and on subsequent conviction the imprisonment is for a term of 6 months and a fine of Rs. 50,000. So, these are the provisions of the punishment under this act.

Coming to the Right to Education Act 2009. So, the Right to Education Act 2009 guarantees free and compulsory education to all children from 6 to 14 years of age. What is free education? So free education basically means that no child other than the child who has been admitted by his or her parents to a school which is not supported by the appropriate government shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education. And compulsory education basically means an obligation on the appropriate government and local authorities to provide and ensure the admission, attendance and completion of elementary education by all children in the 6 to 14 years age group. Now what this act does is, this provides for the state to construct a neighborhood school within 3 years of commencement of this act. This act also defines a minimum school through a mandatory set of reforms which has proper qualified teachers. This act also envisages that such norms, these be applied to all managements, government or private for the purpose of recognition of a school. Also under this act, there is a provision for 25% reservation of children from deprived sections in the schools.

Now what are the various implementation challenges of the legislations of adolescents in India? So basically, there is lack of awareness among the stakeholders even today regarding the legislations of the adolescents in India. There is still inadequate funding for the same issue. Poor infrastructure and lack of resources are some other implementation challenges as far as legislations for adolescents in India are concerned. What is the way forward for the protection of adolescent rights in India? There should be increased budget allocation for adolescent health and development programs. The existing schemes for adolescents should be strengthened. There should be social awareness. Resources should be created among the communities. teaching children and parents about their rights and their measures to

safeguard them as well. The government should collaborate with NGOs and other agencies to have a more profound impact on child rights related issues.

Now coming to the take home message from today's lecture. So, we have seen the various rights of adolescents in India. Right from right to education, right to expression, right to health, right to protection, right to identity, right to food, right to safe water etc. The major legislations in India for adolescents that we have gone through are Juvenile Justice Act, the Child Labour Act 1986, Prohibition of Child Marriage Act 2006, POCSO Act 2012, the Immoral Traffic Prevention Act 1956, the Right to Education Act 2009. The various challenges in the implementation of these legislations in India are lack of awareness, inadequate funding, poor infrastructure and lack of resources. And the solutions or the way forward for implementing these legislations are increasing budget allocations, strengthening the existing schemes, social awareness and the government collaboration with NGOs and other agencies.

These are few of my references.

That's all from my end. Thank you so much.