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THE JUDICIARY'S PART IN PROTECTING CHILDREN'S RIGHTS

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INTRODUCTION

The function of justice and the spectrum of legal interpretation have expanded rapidly in recent years, owing in part to the current period's rapid expansion of legal interventions. Justice is critical in safeguarding citizens' and non-citizens' fundamental rights. The two most fundamental foundations of human rights in the universe are the preservation of equality before the law and the equal protection of the laws; this is where the freedom to guarantee human rights is achieved. India's foreign policy is based on its constitution, and international commitments are upheld. These principles are spelled out in detail in Article 51 of India's Constitution, which is found in Part IV. Austin referred to the law as a political mandate, claiming that his sovereignty and sovereignty were inextricably linked and that only a legislature could legislate. The court's role was just to proclaim or interpret existing legislation, but the United States Truth Organization is the most recent area of sociological jurisprudence centred on court rulings. The court declares humble law. The judges are seen as law-abiding persons by them. Every piece of common law is the result of English courts, yet it is built on the idea that the law was discovered by a judge.

THE RIGHT TO EDUCATION AND CHILD LABOR

"Education is a human right with enormous transformative potential. The fundamentals of freedom, democracy, and long-term human progress lie on its base."

Economic and social progress are inextricably linked. It is critical in developing people's skills and expanding their prospects. Education is crucial in determining social and professional development. Because compulsory education and child labour regulations are interwoven, ending child labour must come before implementing compulsory education. The employment of a kid under the age of 14 is prohibited by Article 24 of the Constitution. Article 45 supplements Article 24 by stating that if a kid under the age of 14 is unable to work, he or she should be enrolled in another educational institution.

The Supreme Court ruled in *M.C. Mehta v. Status of Tamil Nadu* that children should not be forced to work in dangerous factories making matchboxes and dynamite, and that good child

protection measures should be enacted to enhance the quality of life.

In **State of Andhra Pradesh v Unni Krishnan, J.P. & Ors.** "educational institutions that are spreading seeds of a culture, in which youngsters are wrapped up in the future of their own hands, trained," Justice Mohan said. Positions as government officials and warriors, religious zealots, and thinkers will emerge from them, determining global growth."

LOCUS STANDI AND LABOR AND CHILD WELFARE

The introduction of the idea of locus standi, which makes court access easier, is an illustration of the Indian courts' evolving nature. Working children, by and large, appear to come from families living in poverty, and there appear to be no avenues for them to express their dissatisfaction with their basic rights being infringed without consequence. Finally, in light of the appalling conditions of child labour, the high court has demonstrated its concern for the impoverished by modifying the concept of locus standi.

Union of India v. Peoples Union for Democratic Rights^[4]. Although the Labour Law of 1938 did not include construction work in projects because the construction industry did not exist in the process outlined in the Law Schedule, the Supreme Court held that such construction was a dangerous undertaking and that children under the age of 14 could not be employed in hazardous work under Art. 24. Article 24 guaranteed a child's right to combat exploitation in the event of non-compliance with the law and for the community's long-term benefit. They are unconvinced by the current social and economic order.

The Salal Court Hydro Project v. State Jammu and Kashmir case set a high bar for the application of Article 24 of the Constitution. in which the Court reaffirmed the preceding position. Child labour is an economic problem, according to the court. Poor parents want to quarrel about their children's earnings from their work. As a result, in the current socio-economic situation, a comprehensive prohibition on all forms of child labour may not be feasible. As a result, Article 24 merely sets a limit on the employment of children. The Court also stated that ending child labour will be impossible as long as poverty exists in this country.

JUSTICE FOR CHILDREN

The Youth Justice Act (Care and Protection), 2015 was enacted as a human rights law, and we are now working in the same way across the state, eliminating all of the provinces' children's laws.

There are two sorts of children who are covered by this statute. Section 2 (1) defines "a kid who opposes the law," and Section 2 (2) defines "a child in need of care and protection" (d). An intruder's child or a child as defined in Section 2 (k) received 18 years. The management of convicts will be part of the prison system.

Union of India v. Sheela Barse Ms. Sheela Barse, a determined social worker, took up the subject of vulnerable children under the age of 16 who were being held in jails without their parents' permission. You asked for the release of such young children from jails, as well as information about the availability of children's courts in homes and schools, as well as a directive that district judges visit prisons or dungeons to check that children are adequately cared for while in custody. Children in prison have a right to special treatment, according to the Court. Children are national assets as well, and they should be treated as such. The Court recommended that chiefs and young men's and children's homes be established in prisons.

SEXUAL EXPLOITATION OF CHILDREN

Human dignity and value are the foundations of human rights. The Universal Declaration of Human Rights has restored human rights and fundamental freedoms. As a result, human rights for women, including girls of all ages, are undeniable, inclusive, and inextricably linked to human rights in general. Gender discrimination in any form is a violation of fundamental freedoms and human rights. As a result, it will be worthwhile to take all possible precautions to avoid prostitution. Prostitution's abolition, in whatever form, is a crucial aspect in social interaction and women's glory.

Prostitution must be abolished before a child's right to grow up may be realised. The practical procedures to removing the root and branch of immorality are the key to success. In **Bachpan Bachao Andolan v Union of India**, the Supreme Court ruled that the suggestions made at the hearing be implemented, which will result in significant changes to the current government's child protection policies. In 2006, a complaint was filed regarding child abuse and exploitation in the circus profession.

The federal government was ordered by the court to make a notice prohibiting the hiring of children in circuses, committing crimes to rescue children who are currently working in circuses, and laying up a plan for their restoration. Several recommendations made by the applicant and respondent throughout the hearing in this case are aimed to change the existing legal and procedural standards

to protect minors. As the Hon'ble High Court has stated, the goal is to address the issue of child abuse in a long and systematic manner. This newest ruling is just one of numerous probable orders made by the Hon'ble High Court in due time.

"We plan to fight the problem of systematic child abuse," the Supreme Court said, confirming a forceful response to child abuse.

CONCLUSION

In *Vishal Jeet v. Union of India*, the High Court is confronted with some difficult concerns about child sexual assault. It is tragic and upsetting to know that the majority of poverty affects children and girls as they reach puberty and are driven into the existing "meat trade," which is committed to the absolute violation of all moral, moral, and human dignity. The Supreme Court declared in *Gaurav Jain v. Union of India* that children of prostitutes have the right to equal opportunity, dignity, care, protection, and regeneration, all of which are important aspects of social life, without prejudice.

The Court ordered the formation of a committee to develop and implement a strategy to rehabilitate such children and child prostitutes, as well as the production of quarterly reports to the Registry.

In *Sakshi v Union of India*, the Supreme Court instructed the Legal Commission to investigate several sexual problems cited by the complainant, as well as the possibility of amending sections 375 and 376 of the Indian Penal Code.