

# Human Rights of Child under Article - 21 of Indian Constitution

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# Introduction

Every Child is the future custodians of Nation. They are future hopes, ambitions, goal, children are the future shoulders' in the form of great philosophers, rulers, scientists, politicians, able legislators, bureaucrats, teachers, judges, technologists etc. Thus these hopes can't be achieved without protecting their human rights.

They are human resource, precious and valuable but vulnerable. Various laws in India, focusing on a position where children were treated as non-entity and where conscientious efforts have been made to not only make them free from exploitation and abuses but also enable them to develop their full potentiality with fair access to food, health, education and respect.

# Goals

- Protect the Children`s right to care and protection if they are adopted or in the foster care.
- Provide them free services like education
- Also provide basic human rights.

# Advantage

- Equality before law and equal protection of laws are acknowledged as the most essential column of human rights of the universe of freedom that is where ever freedom to assert human rights is recognized, under Indian Constitution. India is the main democracy in the world, a sovereign, socialist, secular democratic and republic with a inclusive charter of rights written into its constitution.

# Disadvantages

- It is true that Art. 21 is worded in negative terms but it is now well settled that Art. 21 has both negative and affirmative dimension. 'Positive rights are very well conferred under Art. 21 of the Constitution.

## **The following rights are held to be covered under Art. 21:**

- Right to live with human dignity.
- Right to livelihood.
- No compulsion to wife to live with her husband whom she hates.
- Right to shelter.
- Right to privacy.
- Right to privacy available to a woman of easy virtues.
- Right to privacy not an absolute right.
- Virginity Test violates Right to privacy under Article 21.

# Conclusion

- Article 21 of Indian Constitution is a right to economic compensation for denial of the right to life and liberty suffered at the hands of the State. So in this connection Indian judiciary (especially Supreme Court) has given several directions to protect the right of children from various types of exploitation and court made directions and suggestions in many instances to protect basic human rights of children. But sorry to say these instructions and suggestion are not followed and applied by the government machinery efficiently.