

# Child and the Law



INDIAN LAW INSTITUTE

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TRIPATHI

# CHILD AND THE LAW

D19153.51

*Under the auspices of*  
The Indian Law Institute, New Delhi

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6848-7  
J25

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28044

1979

N. M. TRIPATHI PVT. LTD.

Bombay

Edition 1979

© The Indian Law Institute, New Delhi

Printed in India at the Central Electric Press, 80-D, Kamla Nagar, Delhi-110007 and  
published by Dr. S.N. Jain for the Indian Law Institute, New Delhi.

## FOREWORD

We are happy to bring out this publication 'Child and the Law' during the International Year of the Child and make our humble contribution towards streamlining one of the essential prerequisites for the proper development of the child. Children are a supremely important national asset and the nation owes a duty to pay its fullest attention to their development and welfare. This study was undertaken by the Indian Law Institute at the request of the National Institute of Public Cooperation and Child Development, New Delhi, to whom the project was suggested by the Department of Social Welfare, Government of India, in consonance with the National Policy Resolution on Children in 1974. The Department of Social Welfare and the NIPCCD helped the ILI in a number of ways and a close liaison was maintained by the ILI with both of them.

A preliminary meeting was held in April, 1975 in the Department of Social Welfare which was attended by the Secretary and senior officials of the Department, and representatives of the NIPCCD and the ILI. The Department of Social Welfare supplied to the Institute a list of statutes, both Central and State, concerning the child. This list was supplemented by the ILI. As a result of the meeting, the ILI prepared a note which included a synopsis of the project, a chapter-wise classification and a classified list of the enactments on the subject. This note was considered at the meeting of the National Children Board held on 15th September, 1975 which was inaugurated by the Prime Minister of India.

Without the basic foundation of good laws the various programmes relating to children may not succeed, some of them even may not emerge, though law, it may be cautioned, is only one of the elements in the development and successful implementation of the various schemes and programmes relating to children. A survey of the statute book reveals that only a few statutes relating to children were enacted during the pre-independence era. Since independence, however, the State has become fully conscious of its responsibilities towards children and a number of enactments have been passed and various schemes and measures adopted for the betterment of children.

The basic purpose of the present study is to critically analyse the existing laws relating to children, and examine the case-law, with a view to give a

clear and a concise picture and to identify lacunae, ambiguities and deficiencies in the present law on the basis of analysis of the legal provisions. The study also seeks to identify gaps in the existing laws in the light of the legislative requirements of the National Policy Resolution on Children. The study finds that apart from minor deficiencies here and there, basically the laws are adequate. No field work was undertaken as to how different laws are being administered as this was beyond the purview of the work. Even to carry out the limited objective of the study was a stupendous task, as over 250 statutes had to be examined and no such task had been undertaken before. It is hoped that this study will pave the way for probing into the matter further, particularly, studying through empirical research how the laws are being administered.

The Indian Law Institute finished the first draft of the study some time during July, 1977. The NIPCCD got the draft cyclostyled and circulated to experts in the field for their comments. The final meeting to consider the various comments on the study was held in March, 1978. The study was finalised by the ILI in the light of the comments received from the experts and suggestions made at the aforesaid meeting.

We record our appreciation for the invaluable help rendered by the Department of Social Welfare, Government of India, and its officers.

The study is a product of the dedicated work put in by a team of faculty members of the Indian Law Institute. The team members deserve our deep appreciation and grateful thanks.

It is our hope that the study would help promote the cause of the Indian Child and would be found useful by all who are devoted to that cause.

S.N. Jain  
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