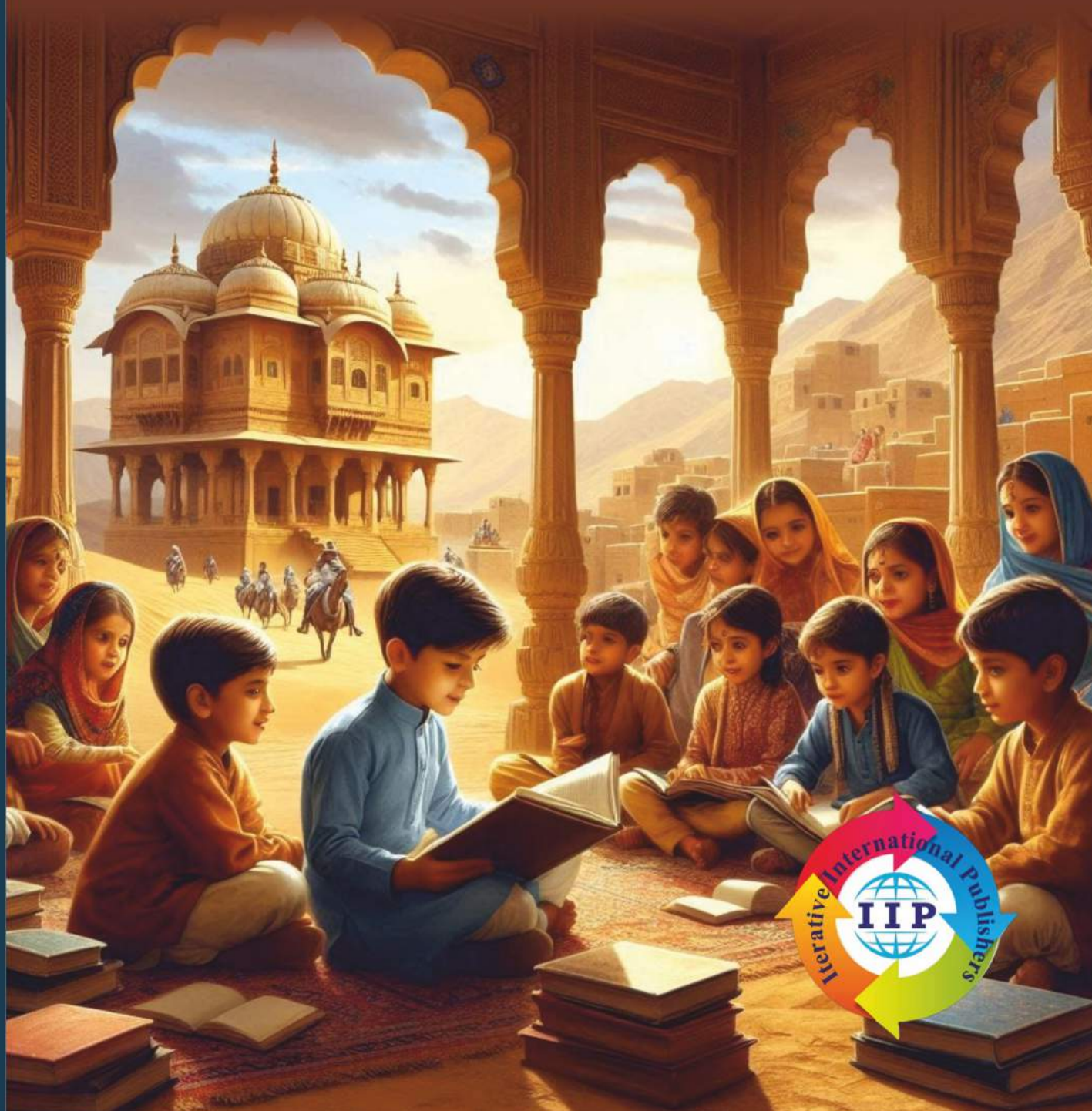


अभय बचपन

UNFLINCHED CHILDHOOD

EXPLORING HUMAN RIGHTS ISSUES OF CHILDREN
IN INDIA WITH SPECIAL REFERENCE TO RAJASTHAN

Author:
DR. RATNA SISODIYA



अभय बचपन

UNFLINCHED CHILDHOOD

Exploring Human Rights Issues of Children in India
with Special Reference to Rajasthan

First Edition

Author

Dr. Ratna Sisodiya

Editors

Professor (Dr.) Angelo Viglianisi Ferraro

Professor (Dr.) Pablo Rafael Banchio

Dr. Rachana Choudhari

Mr. Surendra Singh Bhati

Contributor

Prof. (Dr.) Haide Maria Hupffer

Dr. Mamta Rathore

Mr. Divyaraj Singh Jhala

Mr. Gabriel Cemin Petry



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Dr. Ratna Sisodiya, Associate Professor at Pacific School of Law, Pacific Academy of Higher Education and Research University.

Professor (Dr.) Angelo Viglianisi Ferraro,

Professor (Dr.) Pablo Rafael Banchio,

Dr. Rachana Choudhari,

The captivating theme and striking cover of the book are the imaginative creations of **Ms. Harshita Kanwar Naruka and Mr. Bhagwati Prasad Sharma**

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Inspiration Behind
अभय बचपन
UNFLINCHED CHILDHOOD



Late Shri Abhay Singh Bhati
Jhinhinyali, Jaisalmer (Rajasthan, India)

PREFACE

Childhood is often described as a period of innocence, growth, and boundless potential. However, for many children across the world, including in India, this phase of life can be marred by numerous challenges and injustices. This book, **अभय बचपन (Unflinched Childhood: Exploring Human Rights Issues of Children in India with Special Reference to Rajasthan)**, aims to shed light on these challenges while highlighting the remarkable strides being made to secure a better future for the youngest members of our society.

Rajasthan, a state renowned for its rich cultural heritage and historical significance, has also faced its share of social challenges. The dark past of female foeticide and infanticide, child marriage and sex selection that once plagued the region has cast long shadows, raising serious concerns about the rights and protection of children, particularly girls. Despite this grim history, Rajasthan today stands at a promising crossroads. The state is witnessing a determined and concerted effort by the government, civil society, and local communities to turn the tide and ensure that every child enjoys the rights and opportunities they deserve.

This book begins with a historical exploration in **Chapter 1: Children in Ancient India**, delving into the portrayal and treatment of children in ancient Indian societies. Understanding the cultural norms and practices of the past provides a crucial backdrop for comprehending the evolution of children's rights in India.

In **Chapter 2: UNICEF Data and Reports**, we present the latest data and statistics from UNICEF, offering a comprehensive overview of the current status of children's rights in India. This chapter underscores critical issues such as education, health, and child labour, providing a factual basis for the discussions that follow.

Chapter 3: Human Rights for Children and Conventions for the same introduce readers to the international human rights instruments and conventions that serve as the bedrock for child rights advocacy worldwide. The significance of these conventions in shaping national policies and legislation in India is examined in depth.

Following this, **Chapter 4: Indian Legislations as Ratifications** scrutinizes the legislative framework in India. The chapter focuses on key laws and policies that have been enacted to protect and promote children's rights, reflecting the nation's commitment to upholding international standards.

The heart of this book lies in **Chapter 5: Status of Rajasthan in Providing Protection to Child Rights**, where we critically evaluate the effectiveness of

various government initiatives and policies aimed at safeguarding children's rights in Rajasthan. This chapter not only highlights the challenges but also celebrates the progress and positive changes taking place in the region.

To enrich our analysis, **Chapter 6: Insights from Experts** features detailed contributions from experts in the field of child rights. Their insights, supplemented by real-life case studies, illustrate both the hurdles and the triumphs in the ongoing struggle to protect children's rights.

The **Chapter 7: Voices of Tomorrow**, we turn our attention to the grassroots level, showcasing the vital role played by civil society organizations, community groups, and other stakeholders in advocating for children's rights. Through poignant case studies, this chapter highlights the social evils and practices that still contribute to the infringement of child rights, while also shining a light on the relentless efforts to combat these issues and foster a more equitable society for children in Rajasthan and beyond.

Finally, in **Chapter 8: Childhood Protection in the Digital Era: Contributions of Data Protection Law in Latin America and India** authored by Prof. (Dr.) Haide Maria Hupffer and Mr. Gabriel Cemin Petry from Feevale University, Brazil, delves into the critical issue of protecting children's rights in the digital age. As technology becomes an integral part of daily life, safeguarding children's personal information and privacy online has emerged as a pressing concern. This chapter explores the contributions of data protection laws in Latin America and India, offering a comparative analysis of the legislative frameworks in these regions. The authors highlight how robust data protection regulations can play a pivotal role in shielding children from online risks, such as cyber bullying, exploitation, and identity theft. It also addresses the challenges faced in implementing these laws and the need for continuous adaptation to keep pace with technological advancements. By drawing on the experiences of Latin America and India, Prof. Hupffer and Mr. Petry provide valuable insights into the effectiveness of current legal measures and offer recommendations for enhancing child protection in the digital era.

In conclusion, while the journey towards fully realizing children's rights in Rajasthan and across India is ongoing, there is much to be hopeful about. This book is a testament to the resilience and dedication of countless individuals and organizations working tirelessly to create a future where every child can grow up free from fear and full of potential. It is our hope that **अभय बचपन** (Unflinched Childhood) will inspire further dialogue, action, and commitment to the cause of children's rights, fostering a brighter and more just world for the generations to come.

FOREWORD



Many children globally, particularly in India, experience injustices and hardships in childhood. *Unflinched Childhood: Exploring Human Rights Issues of Children in India with Special Reference to Rajasthan* is a book that highlights the efforts taken to provide a brighter future for the youngest members of society while shedding light on these difficulties. The culturally rich state of Rajasthan has had serious societal problems, including a troubling history of infanticide and female foeticide.

Despite this history, Rajasthan is now at a potential turning point in its development, as communities, the government, and civil society work together to guarantee that every kid has access to their rights. This book begins with a historical exploration of children in ancient India, offering insights into past cultural norms. It then presents the latest UNICEF data, providing an overview of current children's rights issues. The book introduces International Human Rights Conventions and examines India's legislative framework for child rights. It evaluates Rajasthan's progress in protecting child rights, enriched by expert insights and real-life case studies. The grassroots efforts of civil society organizations are highlighted, and the critical issue of digital protection for children is explored through a comparative analysis of data protection laws in Latin America and India. This comprehensive examination underscores the importance of creating a secure environment for children both offline and online.

Dr. Ratna Sisodiya merits commendation for her authorship of this essential work, which delves into the multifaceted realm of children's rights in India, with a specific focus on Rajasthan. Her meticulous research and profound insights have contributed significantly to the scholarly discourse on this pressing subject. Additionally, the editorial team comprising Prof. (Dr.) Angelo Vighianisi Ferraro, Prof. (Dr.) Pablo Rafael Banchio, Dr. Rachana Choudhari, and Mr. Surendra Singh Bhati deserves acknowledgment for their diligent

efforts in shaping the narrative and ensuring the coherence and academic rigor of the book. Their collective expertise has played a pivotal role in refining the manuscript and elevating its scholarly value.

Moreover, the invaluable contributions of Prof. (Dr.) Haide Maria Hupffer, Dr. Mamta Rathore, Mr. Divyaraj Singh Jhala, and Mr. Gabriel Cemin Petry merit recognition for enriching the book's content with their wealth of knowledge and diverse perspectives. Their scholarly insights, supported by empirical evidence and real-world case studies, have enhanced the depth and breadth of the discourse, offering readers a comprehensive understanding of the complexities surrounding children's rights issues in India, particularly in the context of Rajasthan.

In conclusion, अडभय बचपन (Unflinched Childhood) stands as a testament to the dedication in advancing children's rights. It has the potential to stimulate dialogue, prompt action, and renew commitment to safeguarding children's well-being. We fervently hope it catalyzes positive change, fostering a brighter future for generations to come.

A handwritten signature in blue ink, appearing to read 'R.C.S Jhala', with the date '2.6.24' written below it.

Justice R.C.S Jhala
Chairman,
Rajasthan State Human Rights Commission (RSHRC)
Rajasthan, India

ACKNOWLEDGEMENT

The completion of this book, अभय बचपन "Unflinched Childhood: Exploring Human Rights Issues of Children in India with special reference to Rajasthan," has been a profound journey, enriched by the invaluable support and guidance of numerous individuals. We wish to express our deepest gratitude to all those who have contributed directly and indirectly to this work.

First and foremost, we extend our heartfelt thanks to Honourable Justice Mr. Ram Chandra Singh Jhala, Chairman, Rajasthan State Human Rights Commission, for writing the foreword for this book. His endorsement and support have added immense value to our work and have been a source of great encouragement.

We also extend our sincere thanks to Dr. Narendra Kumar Bishnoi, Assistant Professor at the Campus Law Centre, University of Delhi. His exceptional guidance, insightful feedback, and unwavering support were pivotal in shaping the direction of this book.

We are equally grateful to Mr. Abhay Pratap Singh, Chairman of the Indraprastha Centre for Law and Policy (ICLAP), Director at APS Judicial Academy, and former Judicial Officer for the State of Haryana. Mr. Singh's extensive experience and profound knowledge in the field of law and policy have significantly enriched the content of this book. His direct and indirect support, along with his valuable insights, played a crucial role in guiding our research and enhancing the quality of this work.

Our sincere thanks also go to Mr. Pushendra Singh Songara, Technical Superintendent at Executive Ship Management, Singapore. His unwavering support and motivation have been a strong pillar that significantly contributed to the drafting of this book. His encouragement was vital in sustaining our efforts and ensuring the successful completion of this work.

Additionally, we extend our gratitude to the institutions and organizations that provided the necessary resources and support for our research. Their contributions have been vital in facilitating the comprehensive exploration of the issues discussed in this book.

The collaborative efforts and collective wisdom of these esteemed individuals and institutions have been indispensable to the realization of this book. We are profoundly thankful to each one of them for their contributions, without which this work would not have been possible.

In conclusion, this book is a testament to the collective efforts of many, and we are deeply grateful for the guidance, support, and encouragement we have received throughout this endeavour. We dedicate this work to all those who strive to make the world a better place for children, ensuring their rights are upheld and their voices heard.

ABOUT THE ACADEMIC TEAM



Author: **Dr. Ratna Sisodiya**

Dr. Ratna Sisodiya serves as an Associate Professor at Pacific School of Law, Pacific Academy of Higher Education and Research University. Her academic journey includes a doctorate focused on the Narcotic Drugs and Psychotropic Substances Act, with a particular emphasis on adolescents. Additionally, she holds the distinction of being a Post-Doctoral Fellow at the Mediterranean International Centre for Human Rights Research in Italy, enriching her expertise in legal research. Dr. Sisodiya's scholarly contributions extend beyond academia, having authored a book tailored for law students and contributing significant chapters in books of legal importance. Her research prowess is evidenced by contributions to reputable publications indexed in Elsevier, Scopus, UGC Care, and globally renowned databases. Driven by a passion for expanding her understanding of legal research, Dr. Sisodiya actively participates in national and international conferences, seminars, and workshops. Furthermore, she has contributed her expertise to significant government programs addressing socio-legal issues in Rajasthan. Currently, she focuses her efforts on supporting anti-drug initiatives targeted towards adolescents, demonstrating her dedication to research and societal welfare.



Editor: **Professor (Dr.) Angelo Viglianisi Ferraro**

Professor Dr. Angelo Viglianisi Ferraro holds the position of Aggregate Professor of Private Law and serves as the Erasmus Coordinator at the Department of Law, Economics, and Humanities at the “Mediterranea” University of Reggio Calabria. He also holds key leadership roles as the Head of the “Mediterranea International Centre for Human Rights Research” and as Director of both a Postdoctoral Program in "New Technologies and Law" and an International LLM specializing in Artificial Intelligence, European Private Law, and Fundamental Rights. Additionally, he shares his expertise as an Adjunct Professor at the Cracow University of Economics (Poland), the University of Malta, and the Federal University of Sergipe (Brazil). Professor Viglianisi Ferraro's international presence is substantial, having been a speaker at numerous conferences, seminars, and round tables, as well as a guest lecturer in over 120 foreign universities across Europe, South America, Russia, and China. He is actively involved in several international journals and research centers as a member of their scientific boards. With three monographs to his name and as the editor of 24 books, his scholarly contributions extend to numerous peer-reviewed articles covering civil liability, consumer law, antitrust law, family law, and fundamental rights.



Editor: Professor (Dr.) Pablo Rafael Banchio

Professor (Dr.) Pablo Rafael Banchio is a distinguished legal scholar renowned for his expertise in human rights, new technologies, and business law. With a Doctor of Law degree from Argentina and post-doctoral qualifications in New Technologies and Law as well as Human Rights from Italy, Dr. Banchio exemplifies a commitment to interdisciplinary legal education. His Master's Degree in Business Law from institutions in Argentina and Italy further showcases his versatile academic background. Dr. Banchio's leadership is evident in his roles as the Director of the Post-doctorate program in Human Rights and Artificial Intelligence at the Innovative Virtual University in Italy and as the Academic Coordinator of Master's and Doctorate programs in Legal Sciences at the Inter-American Faculty of Social Sciences (FICS). Additionally, his membership in the Center for the Study of Private Law at the National Academy of Sciences of Buenos Aires, Argentina, and his directorship of the Centro di Studi Giuridici e di Ricerca Internazionale in Italy highlight his impactful contributions to legal scholarship and research on both national and international platforms.



Editor: **Dr. Rachana Choudhari**

Dr. Rachana Choudhari is a seasoned law academic, boasting over fifteen years of research and teaching experience across esteemed institutions in Gujarat, Delhi and Dehradun. Holding a Ph.D. from the esteemed Dr. B R Ambedkar University, Agra, and a post-doctoral degree from the Department of Law, Economics, and Humanities of the Mediterranean University of Reggio Calabria, she has garnered extensive expertise in legal academia. Dr. Choudhari's scholarly contributions are notable, with numerous publications covering a wide array of legal topics to her credit. Additionally, she has served as a resource person for Administrative Services training institutions, further enriching her profile. Her dedication to legal education extends to mentoring students for competitive examinations like judiciary and prosecution services, with a notable association with the APS Judicial Academy in Delhi spanning over three years. Moreover, Dr. Rachana Choudhari serves as the Project Supervisor (India) for "Abhay Bachpan," a research initiative under the Postdoctoral Programme 2023-24 at the Mediterranean International Centre for Human Rights Research, Mediterranean University of Reggio Calabria, reflecting her commitment to advancing human rights research and advocacy.



Editor: **Mr. Surendra Singh Bhati**

Mr. Surendra Singh Bhati is an Assistant Professor at Pacific School of Law, affiliated with Pacific Academy of Higher Education and Research University in India. With a unique blend of five years of experience as a legal practitioner and an additional five years as an academician, he brings a dynamic perspective to his role. His primary research focus centers on Sports Law, delving into the intricate legal aspects of this field.

As a passionate educator, Mr. Bhati is dedicated to imparting knowledge and fostering wisdom among his students. He has contributed significantly to the academic community, with ten research papers published in reputable journals and three chapters in books of legal importance. Moreover, he is actively involved in organizing workshops aimed at educating young players about their legal rights and responsibilities, demonstrating his commitment to advancing the understanding of Sports Law beyond academia. Mr. Bhati's multifaceted background and dedication to his field make him a valuable asset to both his students and the legal community at large.



Contributor: **Prof. (Dr.) Haide Maria Hupffer**

Dr. Haide Maria Hupffer is a highly accomplished academician in Law with a Post-Doctorate and a PhD in Public Law from the Universidade do Vale dos Rios dos Sinos (UNISINOS). She is a distinguished teacher and researcher at Feevale University, where she contributes significantly to the Postgraduate Program in Environmental Quality and the Law Course. Dr. Hupffer leads the Feevale research group “Direito e Desenvolvimento” and spearheads the project “Novas Tecnologias e Sociedade de Risco: Limites e responsabilização pelo risco ambiental,” which focuses on the intersection of new technologies and environmental risk management.

Moreover, Dr. Hupffer is at the forefront of the FAPERGS research project “Inteligência Artificial e Sociedade de Algoritmos: Regulação, Riscos Discriminatórios, Governança E Responsabilidades,” a cutting-edge initiative funded under the FAPERGS 07/2021 - Programa Pesquisador Gaúcho – PqG. She is actively involved in mentoring Master's and Doctoral students, fostering new generations of scholars in her fields of expertise.

Her research interests are diverse and impactful, encompassing Environmental Law, Climate Change Litigation, Pesticides, New Technologies and Risk Society, Artificial Intelligence, and Personal Data Protection. Dr. Hupffer’s scholarly contributions and leadership in these areas underscore her commitment to advancing knowledge and addressing contemporary legal and environmental challenges.



Contributor: **Dr. Mamta Rathore**

Dr. Mamta Rathore is a Computer Science Lecturer at Mohanlal Sukhadia University (MLSU), renowned for her dedication to education and research. With a Ph.D. in Social Media: Threats, Awareness, and Prevention Techniques, she specializes in understanding and mitigating risks associated with social media platforms. Dr. Rathore actively contributes to curriculum design, ensuring students receive a comprehensive education.

Her expertise extends beyond academia; she has taught at an international school following the Cambridge board and coordinated career fairs at NIIT, showcasing her commitment to student success. As an avid table tennis player and NCC cadet, she has represented her university and district in various sports and national events, including the National Shooting Camp in Delhi.

Dr. Rathore's adventurous spirit led her to participate in a National Trekking Camp in Ooty, Tamil Nadu, where she trekked through challenging terrains, representing Rajasthan with pride. Currently, she is planning to develop an Adaptive Learning Management System (LMS) integrating child-positive psychology principles to foster resilience and a growth mindset among students. Her passion for computer science, combined with her diverse experiences and commitment to student development, continues to inspire and empower the next generation of learners.



Contributor: **Mr. Divyaraj Singh Jhala**

Mr. Divyaraj Singh Jhala is a distinguished prosecution officer at the Chief Judicial Magistrate Court, Udaipur (Rajasthan). As the divisional president of the prosecution officer's union, he has been instrumental in advocating for the rights and professional development of his peers. His commitment to legal education is evident through his role in training fellow officers on new criminal laws across three districts in Rajasthan, ensuring that the enforcement of justice is both informed and current.

In addition to his official duties, Mr. Jhala has made significant contributions to academic circles, offering his knowledge and guidance to students at the University College of Law. Mr. Jhala has recently been a part of an International Conference on Child Rights and Child Protection. His lectures and mentorship have helped shape the minds of future legal professionals.

Currently, Mr. Jhala handles a variety of cases, ranging from those concerning the Essential Commodity Act and Drug and Cosmetic Act, as well as matters related to food safety and Standard Act. His expertise also extends to addressing crimes such as theft and threats, cheating, and forgery where his legal acumen ensures that justice is served. His active participation in various conferences has allowed him to discuss and shed light on numerous issues affecting the department of prosecution, further establishing him as a respected voice in the field.



Contributor: **Mr. Gabriel Cemin Petry**

Mr. Gabriel Cemin Petry is a dedicated attorney and a Law graduate from Feevale University. He is actively involved in the Feevale University Scientific Improvement Program and is a member of the FAPERGS Research Project “Inteligência Artificial e Sociedade de Algoritmos: Regulação, Riscos Discriminatórios, Governança e Responsabilidades” under the FAPERGS 07/2021 - Programa Pesquisador Gaúcho – PqG.

In addition to his research activities, Gabriel collaborates with the Extension Project at Feevale, specifically with the “Centro de Difusão e de Defesa dos Direitos Humanos” (CDDH). He is also a member of several research projects, including “Direito e Desenvolvimento” (CNPq/Feevale) and “Filosofia do Direito Privado: da teoria à prática” at UFRGS. Furthermore, he contributes as an editorial collaborator at the “Mediterranea International Centre for Human Rights Research” (MIRCH).

Gabriel's research interests encompass Law and New Technologies, Cyber security, Artificial Intelligence, Data Protection, and issues related to Human Rights and Fundamental Rights. He has authored numerous articles, book chapters, and legal texts featured in newspapers and magazines, showcasing his expertise and commitment to advancing legal scholarship and practice.

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