Protection Of The Rights of The Girl India in India – A legal Perspective.

Bhaswati Talukdar

Assistant Professor , University Law College, Gauhati University

Introduction

The girl child is an invaluable part of society and represents the hope and potential of the next generation. Yet, despite global progress in many areas, girls continue to experience discrimination and inequality simply because of their gender. Gender inequality affects girls in many aspects of life, limiting their access to education, health care, safety, and opportunities to thrive. In many societies, cultural norms and gender biases still lead to unequal treatment, discrimination, abuse, and harmful practices such as child marriage and gender-based violence. This unequal treatment not only violates basic human rights but also undermines social and economic development. Protecting the rights of the girl child is essential not just as a moral imperative, but as a foundation for building **equal, dignified, and just societies** where every child, regardless of gender, can reach her full potential and contribute meaningfully to her community and nation. For example, international organizations such as UNICEF emphasize that overcoming gender inequality is crucial to allow girls and boys to enjoy equal opportunities and protections throughout their lives.

Major Rights of the Girl Child Right to Life and Safety Every girl has the right to be born, to live safely, and to be protected from violence, abuse, and neglect. Right to Education Education empowers girls with knowledge, confidence, and skills. Equal access to education helps girls become independent and informed citizens. Right to Health and Nutrition Girls have the right to proper healthcare, nutrition, and a healthy environment to grow physically and mentally strong. Right to Equality and Dignity Girls should be treated equally in families, schools, and society, without discrimination based on gender. Right to Protection from Exploitation Girls must be protected from child marriage, child labor, trafficking, and all forms of exploitation.

Legal mechanism for the protection of the girl child.

The rights of the girl child in India are strongly protected through constitutional guarantees, statutory laws, and judicial interpretation. The **right to life and safety** of the girl child flows from **Article 21 of the Constitution**, which has been interpreted by the Supreme Court to include the right to live with dignity and free from violence, as affirmed in *Vishaka v. State of Rajasthan (1997)* and *Laxmi v. Union of India (2014)*. This constitutional protection is reinforced by the **Protection of Children from Sexual Offences (POCSO) Act, 2012**, which under **Sections 3 to 10** criminalizes various forms of sexual assault and harassment against children, and under **Section 19** mandates compulsory reporting of offences to ensure the safety and protection of girl children. The **right to education** was initially recognized as an integral part of the right to life under Article 21 in *Mohini Jain v. State of Karnataka (1992)* and was later made an explicit fundamental right under **Article 21A**, guaranteeing free and compulsory education for children aged six to fourteen years. The **right to health and nutrition**, also embedded within Article 21, was affirmed in *Paschim Banga Khet Mazdoor Samity*

v. State of West Bengal (1996), where the Supreme Court held that the State has a constitutional obligation to provide adequate healthcare facilities. Statutorily, the **Juvenile Justice (Care and Protection of Children) Act, 2015**, particularly **Sections 2(14), 27, 36, and 39**, provides for the care, protection, rehabilitation, and social reintegration of children in need, including girl children who are abused, neglected, or vulnerable. The **right to equality and dignity** of the girl child is guaranteed under **Articles 14 and 15** of the Constitution, which prohibit discrimination on the basis of sex; this protection was further strengthened in *Independent Thought v. Union of India (2017)*, where the Supreme Court upheld the bodily autonomy and dignity of girls by criminalizing sexual intercourse with wives below the age of eighteen. Furthermore, the **right to protection from exploitation** is ensured under **Articles 23 and 24**, which prohibit trafficking, forced labour, and child labour, and has been judicially reinforced in *Gaurav Jain v. Union of India (1997)* and *M.C. Mehta v. State of Tamil Nadu (1996)*, emphasizing the State's duty to prevent exploitation and ensure the welfare and rehabilitation of children. Taken together, these constitutional provisions, statutory safeguards, and judicial pronouncements form a comprehensive and robust legal framework for the protection, dignity, and empowerment of the girl child in India.

Challenges Faced by the Girl Child

Despite the existence of constitutional guarantees and protective laws, the girl child continues to face numerous challenges in Indian society. Gender discrimination remains deeply rooted in social customs and patriarchal mindsets, often resulting in unequal access to education, nutrition, healthcare, and opportunities. Practices such as early marriage, child labour, and neglect of girls' education persist despite statutory prohibitions under the *Prohibition of Child Marriage Act, 2006* and the *Right of Children to Free and Compulsory Education Act, 2009*. Poor healthcare and malnutrition among girls reflect broader socio-economic inequalities, even though the right to health is recognized as part of the right to life under **Article 21**, as held in *Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996) 4 SCC 37*. Social stereotypes that view girls as inferior or burdensome often restrict their freedom and aspirations, preventing them from realizing their full potential despite legal safeguards.

Role of Government and Society

The protection and empowerment of the girl child require collective efforts from both the government and society. The State plays a crucial role by enacting and enforcing laws such as the *POCSO Act, 2012*, the *Juvenile Justice (Care and Protection of Children) Act, 2015*, and the *Prohibition of Child Marriage Act, 2006*, which aim to safeguard girls from abuse, exploitation, and neglect. The Constitution, under **Article 15(3)**, authorizes the State to make special provisions for women and girls, recognizing the need for affirmative protection. Judicial interventions, such as in *Vishaka v. State of Rajasthan (1997) 6 SCC 241*, have further emphasized the responsibility of the State and institutions to provide a safe and dignified environment. At the same time, families, schools, and communities play a vital role in changing societal attitudes by promoting

gender equality, encouraging girls' education, and creating supportive spaces for growth. Awareness campaigns, education, and community participation are essential to challenge stereotypes and ensure that legal protections translate into real and meaningful change for the girl child.

Role of Education and Awareness Education teaches girls to know their rights and stand up for themselves. Awareness among parents and society helps eliminate harmful practices and promotes respect and equality for girls. Conclusion Protecting the rights of the girl child is not just a responsibility but a necessity for building a better future. When girls are valued, educated, and empowered, society becomes stronger and more peaceful. Every girl deserves love, respect, and equal opportunities to succeed. elaborate with citations

Role of Education and Awareness

Education plays a transformative role in empowering the girl child by enabling her to understand her rights, develop confidence, and participate actively in society. The Supreme Court has recognized education as intrinsic to the right to life under **Article 21**, and this was explicitly affirmed as a fundamental right under **Article 21A** in *Mohini Jain v. State of Karnataka (1992) 3 SCC 666*. Education equips girls with the knowledge to challenge discrimination, resist exploitation, and make informed decisions about their lives. Equally important is awareness among parents and society, which helps in dismantling deep-rooted gender stereotypes and harmful practices such as early marriage and denial of education. The **Convention on the Rights of the Child (CRC)** and the **UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, both ratified by India, emphasize the role of education and social awareness in achieving gender equality. Awareness campaigns, community participation, and gender-sensitive education are therefore essential to ensure respect, equality, and meaningful realization of girls' rights.

Conclusion.

Protecting the rights of the girl child is not merely a social or moral duty but a constitutional and legal imperative essential for building a just, equitable, and progressive society. The Indian Constitution, through Articles 14, 15, 21, and 21A, guarantees equality, non-discrimination, the right to life and personal liberty, and free and compulsory education, forming the backbone of the legal protection of girls. In addition, statutory safeguards such as the Protection of Children from Sexual Offences (POCSO) Act, 2012, the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Prohibition of Child Marriage Act, 2006 reinforce the safety, welfare, and empowerment of the girl child. Judicial pronouncements, including *Independent Thought v. Union of India (2017) 10 SCC 800* and *Vishaka v. State of Rajasthan (1997) 6 SCC 241*, have further strengthened these rights by emphasizing bodily autonomy, dignity, and the need for safe and supportive environments for girls.

Beyond the legal framework, protecting the girl child is crucial for social and economic development. Educated and empowered girls contribute positively to families, communities, and nations, promoting gender equality, economic growth, and social harmony. Conversely, neglect, discrimination, or exploitation of girls perpetuates

cycles of poverty, illiteracy, and social inequality. International instruments, such as the UN Convention on the Rights of the Child (CRC, 1989) and CEDAW (1979), reinforce India's commitment to the protection, education, and empowerment of girls, highlighting that gender equality is both a human rights obligation and a development imperative.

Ultimately, every girl child deserves love, respect, safety, and equal opportunities to grow and succeed. Realizing these rights requires collective efforts: the State must implement and enforce laws effectively, society must challenge harmful stereotypes and ensure equitable opportunities, and families must nurture and support girls' growth. Only when these combined efforts are made can the vision of a society where girls are safe, educated, and empowered become a reality, laying the foundation for a more just, inclusive, and prosperous nation.

Referances.

1. International conventions.
   A. UN Convention on the Rights of the Child (CRC), 1989 .
   B. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.
2. National laws.
   A. The Protection of Children from Sexual Offences (POCSO) Act, 2012.
   B. The Juvenile Justice (Care and Protection of Children) Act, 2015,
3. Books.

A. Amit Prakash, *Child Rights in India* (New Delhi: Oxford University Press, 2018).

B. Shubha Singh, *Women and Child Rights in India* (New Delhi: Eastern Book Company, 2020).

C. S.N. Mishra, *Child Law in India* (New Delhi: LexisNexis, 2019).

4. Citations of Case Laws

1. Vishaka v. State of Rajasthan
   (1997) 6 SCC 241
2. Laxmi v. Union of India
   (2014) 4 SCC 427
3. Mohini Jain v. State of Karnataka
   (1992) 3 SCC 666
4. Paschim Banga Khet Mazdoor Samity v. State of West Bengal
   (1996) 4 SCC 37
5. Independent Thought v. Union of India
   (2017) 10 SCC 800
6. Gaurav Jain v. Union of India
   (1997) 8 SCC 114
7. M.C. Mehta v. State of Tamil Nadu
   (1996) 6 SCC 756