

## **Quadrant II - Notes**

**Paper Code: CAL0317/CAL0720**

**Module Name: Rights Theories and Child Rights.**

**(Will Theory, Interest Theory and Liberationist  
Approach to Child Rights).**

**Module No:1**

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The recognition of Child Rights is based on the understanding that children need distinct treatment as compared to adults. Children also therefore, need special laws enacted for their protection. There are four basic categories of child rights. It includes, Survival rights, development rights, protection rights and participation rights. There are specific reasons which warrant special laws for children. Children are innocent and therefore require constant protection. They are immature and unable to understand the consequences of their own acts as well as acts of others. They are physical weak as they are in the process of growing. Children are dependent on others for support and care. These are the reasons why children need special care.

The concept of child rights was not recognized in ancient times. In the Roman and Greek civilizations, children were treated as objects. In Indian culture, childhood was considered to be a happy phase of individuals life but there was no concept of rights of child. However, there was deterioration in the status of child rights during the Mughal and British period. Need for child rights was felt

consequent to Industrial revolution, First World War and the Indian freedom movement.

There are three theories of Child Rights. The Will theory, Interest theory and Liberationist approach to child rights. Will theory was proposed by H. L.A Hart who said that children are incapable of holding rights as right is individuals choice and children cannot exercise choice. According to interest theory, children have rights, as they have interests. But these rights are to be exercised through guardians. Amongst Liberationist: Real liberationist state that children have equal rights like adults. However, Rhetorical liberationist state that children cannot exercise same rights as adult. They are unable to choose, so they cannot have rights which need exercise of choice.

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