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Mortensen, Therese Boje

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LUND UNIVERSITY

PO Box 117
221 00 Lund
+46 46-222 00 00

6TH NLU DELHI-LDRN CONFERENCE

Children of the Rights Revolution: The Role of Children's Rights in India's Rights-based Legislation 2004-2014

Therese Boje Mortensen

This paper argues that the “rights revolution” in India during the 2004-2014 government period did not only consist of the achievement of legal rights to information, work, education and food as previously argued, but also of a proliferation of new child protection legislation. Despite not all bearing the word “rights” in their title, new acts about child marriage, child labour, child sexual abuse, and juvenile justice, are arguably part of a larger Indian rights ascendancy for three main reasons. First, the acts themselves include both explicit and associative rights language. Second, the lobbying leading up to them had the character of court cases combined with public awareness, as well as appealing to the same politicians and councils as in the lobbying for the Right to Information, Food etc. Finally, the acts’ often lacking or outsourced implementation plays into the paradoxical coexistence of neoliberal policies and rights legislation in contemporary India. By acknowledging the child protection acts as part of the rights regime, we open up for the idea that rights-based legislation can be broader than only that which includes an explicit rights language. I thus show how a larger rights revolution and rights thought “trickled through” to other social legislation in the 2004-14 government period.

Therese Boje Mortensen is a PhD Candidate at Lund University, Sweden.

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