

# Child Welfare Policies and Programmes in India

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**E**VERY child has right to lead a decent life. The physical, mental and social well being of a child depends upon the family to which she/he belongs. In the process of socialisation during childhood the family and school are two important institutions which play significant role for integrated development of the child. According to the United Nations Convention on the Rights of Child, child means a person male or female who is below 18 years of age. While casting glance over Indian situation, it is found that, around 440 million are children which constitute around 40 percent of country's population. India has high rate of neo-natal deaths which is around 35 percent in the world. Around 50 percent of child mortality occurs in the country. Keeping in view the problems and challenges faced by the Indian children, laws have been introduced and various policies and programmes are being implemented for the welfare of children in India.

The National Policy for Children, 1974 was adopted on 22<sup>nd</sup> August 1974 in order to address the emerging challenges relating to child

rights. An advisory and Drafting Committee had been formed for the purpose. The regional consultations regarding drafting of working paper on Policy of Children had been held across the country with concerned Ministries and Departments from States and Union Territories, civil society organisations, government and non government organisations, academicians and experts etc.

## Thrust Areas of the Policy

- Reducing Infant Mortality Rate.
- Reducing Maternal Mortality Rate
- Reducing Malnutrition among children
- Achieving 100 percent civil registration of births
- Universalisation of early childhood care and development and quality education for all children;
- Achieving 100 percent access and retention in schools including pre-schools;
- Complete abolition of female foeticide, female infanticide and child marriage and ensuring the survival, development and protection of the girl child;

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- Improving water and sanitation coverage both in rural and urban areas.
- Securing for children all legal and social protection from all kinds of abuse, exploitation and neglect.
- Complete abolition of child labour with the aim of progressively eliminating all forms of economic exploitation of children.
- Monitoring, review and Reform of policies, programmes and laws to ensure protection of children's interest and rights.
- Ensuring child participation and choice in matters and decision affecting their lives.

January 24<sup>th</sup> has been declared as the National Girl Child Day by the Ministry of Women and Child Development, since 2009.

### **Constitutional Safeguards for Indian Children**

Article-15 & 15(1) The State shall prohibit discrimination against any citizen on the grounds of religion, race, caste, sex. Nothing in this article prevents the State from making any special provision for women and children.

Article -21 A : The State shall provide free and compulsory education to all children of the age 6- 14years in such manner as the State may, by law determine.

Article-24: No child below the age of 14years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article-39(f): enjoins the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity

and that the childhood and youth are protected against exploitation and against moral and material abandonment.

Article-45 The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

Article-243 G Provides for institutionalisation of child care by seeking to entrust programmes of women and child development to Panchayat (item 25 of Schedule 11)

### **Legislations related to Children**

The Hindu Adoptions and Maintenance Act, 1956 codifies laws for adoption and maintenance of both boys and girls and declares that the sons and daughters are treated equally in the matter of succession. The Act confers that a woman could adopt for herself in her own right. Adoption of female child was not permissible prior to passing of this Act and any oral or documentary evidence would be of no use, when adoptee failed to prove any family custom prevailing in family for adopting a female child. Section 15 of the Act says that the adoptive father or mother or any other person nor can the adopted child renounce his or her status as such and return to his family of his or her birth. The validity of adoption cannot be adjudicated in a writ petition.

The Pre-Conception and Pre-Natal Diagnostic Techniques Act-1994 regulates the use of pre-natal sex determination techniques. Though it permits the use of pre-natal sex determination techniques for detecting chromosomal or sex linked disorders only by the registered institutions but strictly

prohibits determination of sex of foetus and killing of female child in the mother's womb not only by the medical practitioners, gynaecologists or paediatricians but also by any genetic laboratory, counseling centre or clinic. The Act also bans the advertisement using pre-natal diagnostic technique for sex determination. Section-5 of the Act state that the pre-natal diagnostic procedure can be conducted only with the consent of the pregnant woman and a copy of written consent is given to her.

The Immoral Trafficking (Prevention) Act (ITPA), 1956 prohibits commercial sexual exploitation and all cases relating to prostitution registered under the Act. This Act defines a minor as a person between 16 to 18 years of age. The Act also says that if any person over the age of 18 years knowingly lives wholly or in part on the earning of the prostitution of any other person shall be punishable with imprisonment up to 2 years or with fine up to Rs1000 or both, or where such earnings relate to the prostitution of a child or a minor, shall be punishable with imprisonment for 7-10 years. The Act prohibits the activities relating to prostitution in a public place or within 200 metres from a public place.

The Child Labour (Prohibition and Regulation) Act, 1986 prohibits the engagement of children in certain employments and regulates the conditions of work of children in certain other employments. Section-5 of the Act makes provision for setting up of the Child Labour Technical Advisory Committee by the Central Government and the Committee is authorised to give advice to the Central Government in the matter relating to child labour

in occupations and process. Section 13 of the Act deals with the health and safety measures of the child employment in occupations or in processes. The Act also proclaims that if an accused employer is unable to prove that children employed were not below 14 years, he can be convicted for offence of employing child labour.

The Juvenile Justice Act 2000 and Amendment Act-2006 formulates laws relating to juveniles in conflict with law (juvenile who is alleged to have committed an offence) and provide proper care and protection for children in need. The Act adopts child-friendly approach by catering to the development needs of the children and their rehabilitation in institutions established under law. The Act brings juvenile law and prescribed set of standards to be adhered by all State parties for securing the best interests of the child and provides alternatives such as adoption, sponsorship, foster care and institutional care. This Act has been amended in 2006 to set up Juvenile Justice Board and Child Welfare Committees and compulsory registration of Child Care Institutions. The Act has been further amended in 2011 to remove discriminatory references to children affected by diseases like leprosy, tuberculosis, hepatitis-B etc. As per new provisions more power has been entrusted to Child Welfare Committee and Child Protection Units in each district of the State to oversee its implementation and provide care, education, training for rehabilitation of the children.

The Prohibition of Child Marriage Act, 2006 came into effect from 1<sup>st</sup> October 1929. The Section 3 of the Act declares that if a male above 18 years of age contracts a child marriage shall

be liable to be punished. The marriage performed in violation of the Child Marriage Restraint Act is an unlawful marriage. Section 5 of the Act punishes a person who performs, conducts or directs any child marriage shall be liable to punishment, unless he proves that to the best of his knowledge the marriage in question was not a child marriage. According to Section 6 (1) of the Act when a child marriage is contracted person having charge of such child, whether he is guardian or parent or in any other capacity whether lawful or unlawful, that person is liable to be punished. The offences committed under this Act are cognizable offences as defined under the Code of Criminal Procedures, 1973.

### **Institutional Frameworks for Child Welfare**

The National Commission for Protection of Child Rights (NCPCR) was set up as a statutory body under Ministry of Women and Child Development in 2007 under the Commission for Protection of Child Rights (NCPCR) Act 2005 to protect, promote and defend child rights in the country. The prime objectives of the Commission is to review the safeguards provided for protection of child rights and recommends measures for effective implementation, spread child literacy, enquire into violation of child rights, look into the matters relating to distressed, marginalised and disadvantaged children without family, children of prisoners, inspect juvenile home and recommend appropriate measures. The Commission undertakes periodic review of existing laws, policies and programmes on child rights and makes recommendations for their effective implementation in the best interest of the children.

The National Institute of Public Cooperation and Child Development (NIPCCD) is a premier organisation which acts as an autonomous body under the Ministry of Women and Child Development Department, Government of India to promote voluntary action, research, training and documentation on women and child development 1860 in the year 1966. The institution was established at New Delhi with its four Regional Centres at Guwahati, Banaglore, Lucknow and Indore. The thrust areas of the Institute relates to child care interventions relates to maternal and child health and nutrition, early childhood care and education, childhood disabilities, positive mental health in children and child care support services.

The Central Adoption Resource Authority (CARA) is an autonomous body under Ministry of Women and Child Development, Government of India. CARA which primarily deals with adoption of orphan, abandoned and surrendered children through recognised agencies. As per the provisions of Hague Convention on Inter-country Adoptions, 1993, CARA is designated as the Central Authority to deal with in-country and inter-country adoption of children.

### **Child Welfare Schemes**

The Integrated Child Development Scheme (ICDS) is a Centrally Sponsored Scheme of Government of India for early childhood care and development. The prime objective of the programme is to lay foundation for proper psychological, physical and social development of the child, improve health and nutritional status of children below six years of age, reduce infant mortality,

morbidity, malnutrition and school dropouts, achieve effective policy implementation to promote child development and enhance capability of the mother to look after health and nutrition, education and other needs of her child. The international agencies like UNICEF, USAID, DFID and CARE India serve as development partners to provide technical and other supports to ICDS for its effective operation. There has been significant improvement in the implementation of ICDS Scheme in 10<sup>th</sup> and 11<sup>th</sup> Plans in terms of increasing numbers of projects, Anganwadi Centres and coverage of beneficiaries, infrastructure development and training programmes for field staffs like Anganwadi Workers and helpers, Supervisors and CDPOs which are organised through district, state and regional centres. The selected indicators are devised under standardised Management Information System (MIS) and Central Monitoring Unit (CMU) which is established in NIPCCD in 2008 for strengthening the monitoring system. Many states have introduced state specific initiatives and good practices for effective implementation of ICDS scheme.

The strengthening and restructuring of ICDS system has been made in the 11<sup>th</sup> Plan to improve the system through multi-sectoral approaches to address the maternal and child issues. The National Policy on Early Childhood Care and Education (ECCE) is under formative stage which provides operational guidelines for strategic implementation. The Kishori Shakti Yojana is an adolescent girl's scheme implemented through Anganwadi Centres under ICDS Projects. The objective of the scheme is to increase self-confidence, boost morale and

give dignity to the adolescent girls. The scheme includes two schemes such as Girl to Girl Approach and Balika Mandal Scheme.

### **Schemes for Health and Nutrition of Children**

The Nutrition component of Prime Minister Gramodya Yojana and Nutrition Programme for Adolescent Girls is implemented with additional central assistance from Planning Commission to promote nutrition of children. A National Nutrition Mission has also been set up to enable policy direction to the concerned Departments of the Government for addressing the problem of malnutrition of children. The Pulse Polio Immunisation Programme implemented by the Ministry of Health and Family Welfare covers all children below five years of age. The programme covers 166 million children in every round of National Immunisation Day. Other programmes include, Universal immunisation programme to control deaths due to acute respiratory infections, control of diarrhoeal diseases, provision of essential new-born care, prophylactic programmes for prevention of micronutrient deficiencies relating to Vitamin A and iron, Anaemia control programme, and Integrated Management of Neonatal and childhood illness. The other immunisation programmes include Hepatitis B, DPT etc. The Reproductive and Child Health Programme is being implemented by the Ministry of Health and Family Welfare which provides effective maternal and child health care, micronutrient interventions for vulnerable groups, reproductive health services for adolescent etc. The programme integrates all family welfare programmes of women and

child health and provides 'need based, client centered, demand driven, and high quality services'.

The National Rural Health Mission Scheme implemented under Ministry of Health and Family Welfare seeks to provide effective healthcare services to rural population including large population of children in the country. The programme seeks to raise spending on public health and policies, strengthen public health management and service delivery in the country.

### **Schemes for Education of Children**

The Right of Children to Free and Compulsory Education (RTE) Act came into force in the year 2010 which provides the right of children to free and compulsory education in the neighbourhood school which are to be established within 3 years time period. The provisions relating to school infrastructure and Pupil Teacher Ratio (PTR), training to untrained teachers, quality interventions are prescribed under the Act. The Sarva Shiksha Abhiyan Scheme (SSA) aims to provide free and compulsory elementary education to all children in 6-14 age by 2010. The scheme provides school infrastructure and quality improvement in education of the children. The objectives of the scheme is that all children to be in school and universal retention by 2010, bridging all gender and social gaps at primary stage by 2007 and at elementary education level by the year 2010. The Government of India is committed to realise the goal of universalisation of elementary education by 2010. The Mid-day meal Scheme is being implemented under Sarva Siksha Abhiyan Scheme which aims at

universal enrolment and retention of children. Under the programme nutrition and snacks are provided to the children attending schools.

The National Programme for education of girls at elementary level is being implemented by the Department of Education which adopts community based approach for the development of children under difficult circumstances to check drop out girls, working girls, girls from marginalised social groups, girls with low levels of achievement to gain quality elementary education and develop self esteem of girls. The Kasturba Gandhi Balika Vidyalyaya Scheme enables opening of special residential schools for the girl child belonging to Scheduled Castes, Scheduled Tribes, other backward classes and minority in educationally backward areas having low female literacy. The Schemes for Providing Quality Education in Madrasas (SPQEM) is launched to bring qualitative improvement in the Madrasas to enable Muslim children to attain educational standard as per the national education system. The other programmes including Model School Scheme (2008), Rastriya Madhymika Sikshya Abhiyan (2009), Inclusive Education for Disabled (2009), Construction of Girls Hostel for secondary and higher secondary schools (2009) are introduced to promote education at secondary level.

### **Schemes for Rehabilitation**

The Integrated Programme for Street Children by the Ministry of Social Justice and Empowerment seeks to prevent destitution of children who are without homes and family ties and are vulnerable to abuse and exploitation. The

programme rehabilitates these children and facilitates their withdrawal from life on the streets. The Integrated Programme for Juvenile Justice seeks to provide care and protection to the children in difficult circumstances and in conflict with laws. The special features of the scheme include establishment of a National Advisory Board on Juvenile Justice, creation of Juvenile Justice Fund, training of judicial, administrative police and NGOs responsible for implementation of JJ Act brings quality improvement in existing infrastructure, expanding non-institutional services like sponsorship and foster care as an alternative institutional care.

The Child helpline is a toll free telephone service (1098) which is run with the support of Women and Child Development Ministry and is working in 72 cities across the country. Anyone can call for assistance for the interest of children. The Child Budgeting identifies budgetary allocations of Central and State Governments to address specific needs of children through child specific programmes, identify major constraints for effective utilisation; devises methods for tracking expenditure and monitoring performance relating to child development programme.

The Elimination of Child Labour Programme implemented by the Ministry of Labour, Government of India sanctions rehabilitation of working children and elimination of child labour. The National Child Labour Projects (NCLPs) have been set up in different areas to rehabilitate child labour. Under the NCLP special schools have been established to provide non-formal education, vocational training and supplementary nutrition to children

withdrawn from employment. The Shishu Greh Scheme is being implemented by the Ministry of Women and Child Welfare to promote adoptions of abandoned/orphaned/destitute children within the country and ensure minimum standards of care for children. The Scheme for Welfare of Orphan and Destitute Children is a centrally sponsored scheme under Ministry of Women and Child Development. The main objective of the programme is to provide shelter, health care and nutrition, education and vocational guidance to orphaned and destitute children within age group up to 18 years for boys and up to 25 years for girls. In addition to this three pilot projects have been implemented to Combat Trafficking of Women and children are i) Combat trafficking women and children for commercial sexual exploitation under sanction of tradition ii) Combat trafficking of women and children for commercial, sexual exploitation in source areas and iii) Combat trafficking of women and children for commercial sexual exploitation in destination areas.

It is needless to mention that, though India has a comprehensive legal regime and policy framework to protect the rights and interests of the children, greater momentum is required for effective implementation of these policies and programmes for well-being of the children by improving their level of education, health and nutrition etc. Above all a just and fair environment is desirable for all children at home, school or any other place, with growing mind and body to see a shining tomorrow and ultimately to become responsible citizens of India. □

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