



infocus

National Commission for Protection of Child Rights

Letter from the Chairperson

The way a nation deals with its children, nurtures them, educates them and prepares them for a life of dignity and self-esteem is an indication of its commitment to equity and social justice. The National Commission for Protection of Child Rights set up by an Act of Parliament (December 2005), is in recognition of the need to ensure that our children enjoy their childhood and all their entitlements as a matter of right.

This is indeed a challenging task but not an impossible one. It requires the flow of energy from each one of us in society to go beyond moral indignation into specific action for the well being of our 420 million children between 0-18 years. It requires a public debate and discussion on child rights in our country. It necessitates that the State takes on the task of creating an environment on behalf of children, as well as all the legal, policy, and programmatic commitments on a rights based perspective.

The NCPCR aims to create public awareness on child rights through visits to States and consultations with officials, NGOs, trade unions, children and others. It intends to examine existing laws, policies and programmes on children from a child rights perspective. It will recommend appropriate legislation and modification in policies and programmes through a multi level process of consultation.

In addition, it will monitor child rights, by taking up cases on a suo-moto basis, respond to complaints and exercise its quasi-judicial authority. It will also conduct research and build a databank on children.

Children come first for the Commission. They are our priority and it is hoped they will be so for everyone. This is why we thought an e-newsletter would help the Commission draw attention to child related issues that are largely ignored or brushed aside.

Even sixty years after Independence and a slew of government initiatives for children, there are unbelievable stories of allowing new born girls starve to death and incidents of torture and sexual abuse of young girls employed as domestic labour. Equally shocking is the recruitment of minors in the production of hybrid cotton seeds and the inhuman conditions they are subjected to. But then, fact is stranger than fiction.

It is not enough to be horrified and shocked. It is time to act. All of us as individual citizens can do something to protect the rights of children. It may mean boycotting your relatives or friends who employ child labour, it could mean walking out of a party where children of the lesser privileged wash your dirty dishes. I hope through this e-newsletter we can share our concerns for children and together think of how we can uphold children's rights.

Two of the six-member Commission, Dipa Dixit and Sandhya Bajaj, both lawyers, are already on the job with the help of Shalini Prasad, Member Secretary. Do give us your feedback and suggestions on issues you think need to be raised. ■

Shantha Sinha
Shanta Sinha

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Hundreds watch a tightly wrapped child being swung like a yo-yo by street performers

Photograph by Raghu Rai

Let Her Live

One third of the 12 million girls born every year in India die in their first year. If this fact seems shocking, even more chilling is the recent news that 11 new born girls were starved to death by their parents because they considered daughters a burden.

Some members of the Lambada tribal community in Ranga Reddy district, Andhra Pradesh, wrapped their unwanted daughters in a piece of cloth and left them to die. Many of these girls were the third or fourth daughter of these tribal families and their parents felt they could not afford the additional dowry expenses of their marriage. So they let the baby girl die.

On seeing the report about the refusal to feed the new born girls in a hamlet just 80 kilometers from Hyderabad, the capital of Andhra Pradesh, the National Commission for Protection of Child Rights (NCPCR), demanded an immediate investigation by the state's chief secretary.

"Our country has failed its children. There is no guarantee that a girl will be born and will survive, and if she does survive, that she would be given adequate nutrition and health care, environment and stimulus to grow and enjoy all her entitlements. Programmes and policies for infants and young children are woefully weak, lacking in seriousness about protecting their rights," contends Dr Shantha Sinha, chairperson of NCPCR.

Dr Sinha feels that the tragedy of infants being killed or abandoned by poor parents is an indication of a collapse of all the

institutions designed to take care of children, especially girls.

The District Collector of Ranga Reddy district who visited the area at the instance of the NCPCR, found that many of the community members had large families. In the absence of regular employment opportunities and scarcity of resources, the girl child bore the brunt of gender discrimination. The Collector has promised to upscale distribution of supplementary nutrition and strengthen self help groups run by women to stem discrimination against girls.

While this may provide some succour in Ranga Reddy district, much more needs to be done not just in this state but in all the states. The magnitude of girl child mortality is reflected in the fact that three million or 25 per cent of them do not survive to celebrate their fifteenth birthday. Gender discrimination is on such a large scale that dietary deficiencies arising from the son being fed better has led to stunted growth among 45 per cent of girls as opposed to 20 per cent in boys.

Yet, instead of making greater investments in children, the allocation for children has been reduced in the current budget. According to the NGO HAQ, Centre for Child Rights, of every Rs 100 in the union budget, a paltry Rs 4.80 has been promised for children.

According to Dr Shantha Sinha, the need of the hour is the government making wholehearted investments in children and guaranteeing their rights. At the same time it is essential to build a social norm in favour of their rights. There must also be empowerment of local institutions and processes to bring pressure on the government to deliver services efficiently so that children live a life enjoying their special privilege, which is their childhood, she contends. ■



Commission's Strategies for Child Labour Abolition in Eleventh Plan

A multi-pronged strategy has been recommended for abolition of child labour, combining the institution of stringent laws with strengthening of the education system.

In its Strategy Paper to the Planning Commission for the Eleventh Plan, the NCPCR has recommended an inclusive definition of child labour in order to remove the artificial distinction between 'child labour' and 'child work'. It also wants amendments to plug loopholes in the Child Labour Regulation Act. The word 'Regulation' should be removed from the title itself so that abolition of child labour in any form becomes clearly non-negotiable. The Act's penal provisions must be enhanced and the enforcement machinery strengthened, the Commission has said.

India has the largest number of child labourers in the world today, with 12.7 million economically active children of 5-14 years according to Census 2001. The number of children in the workforce has in fact increased from the 11.3 million recorded in Census 1991. This is despite the Constitution having made education a fundamental right. Children who do not attend school are engaged in some form of work.

The NCPCR has pointed out that the Labour Ministry has defined 'child labour' in the narrow context of children doing 'hazardous' work. Thus, under the Child Labour (Prohibition and Regulation) Act, 1986, employment of children below 14 years is prohibited in hazardous occupations and processes. Though the list of such 'hazardous' occupations has been expanded from 25 to 57 in the past five years, this still leaves out of government policies and programmes the millions of children who may be doing home-based work, those in agricultural activities, street children, migrant working children or

those caught in commercial sexual exploitation, among others.

In its review of the present governmental approach, the NCPCR has highlighted other significant issues that need to be addressed such as many girl children being left out of programmes, a new set of children taking the place of those withdrawn from work and children working within their family or neighbourhood.

Also recommended is a new National Child Labour Eradication Policy to replace the one formulated in 1987. It must re-examine all laws and policies regarding working children and ensure consistency in the constitutional and legal provisions, the Commission has said. The other important recommendation is the revamping of the National Child Labour Programme (NCLP). It has been pointed out that the NCLP special schools for children who have been withdrawn from work have so far mainstreamed only 3.75 lakh children.

To make the programme more effective, a national campaign against employment of children and for their right to education has been suggested. The NCPCR recommends a large well-trained army of social mobilisers to identify child labour and plan for their rescue, assist in enforcement of the law, enroll the rescued child labour into Transitional Education Centres. These Transitional Education Centres (TECs) are both residential and non-residential and are meant to prepare former working children to join full time formal schools as soon as possible. The strategy envisages close collaboration between the Sarva Shiksha Abhiyan and the NCLP, so that children adjust to the schools and do not drop out. Guidelines for TECs are to be flexible, allowing them to adapt to local conditions. The NCPCR projects that its recommendations would benefit lakhs of children over five years. It has also recommended strategies for migrant child labourers, whose special status needs to be recognized in the NCLP.

The NCPCR has spelled out the different roles of all the concerned departments, such as Labour, Education, Home/Police and Youth Affairs in order to ensure synergy between them. Given the Labour department's poor track record of running vocational training centers, the NCPCR has suggested the children should be linked to local ITIs, NGOs and private sector initiatives for vocational training. It also recommends preparation of training modules on child rights, labour and education so that various sections of society like gram panchayats, school teachers and labour department officers are well versed with the issue and their own roles in abolition of child labour.

The NCPCR has laid out clear structures and processes for monitoring rescue, release and mainstreaming of child labourers. This requires formation of a Task Force at Block/District level, constitution of a State Monitoring Committee, a National Committee and an Inter Ministerial Committee.

A budget of Rs 3,966 crore has been suggested to implement the entire plan over five years. This envisages rehabilitation of 3.5 crore working children between 9-14 years. Approximately Rs 1000 per child for five years is required. Another Rs 422 crore is proposed for those opting for vocational education in the 15-18 age group. ■

Gujarat's Cotton Booms as Children Toil



Thousands of children have been stealthily making their way in the dark of the night from their villages in Rajasthan to trucks waiting to take them to the neighbouring state of Gujarat. These children, most of who are below 14 years, do not know the fate that awaits them there. None of them have been told that they have been recruited to work in sub-human conditions for the production of hybrid cottonseeds in Gujarat.

It is estimated that over 300,000 children are working in production of hybrid cottonseeds in Andhra Pradesh, Gujarat, Karnataka, and Tamil Nadu. These four states account for 95 per cent of the total cottonseed production in the country, with Gujarat being the largest producer of cottonseed.

The callous practice of recruiting children came to light at a recent public hearing on child labour held in August in Rajasthan's Dungarpur district. Dr Shantha Sinha, chairperson, National Commission for Protection of Child Rights (NCPCR), who was present for the public hearings, found that national and multinational companies paid a commission to local agents from the tribal communities of Rajasthan to recruit children into working as cheap labour in the production of hybrid cottonseeds in Gujarat.

Called *mits*, these agents give a paltry sum of money as advance to the parents for recruiting their children. Asked to provide labour, these children end up committing their childhood to farmers, miles away in Gujarat. The recruitment is a systematic process of identifying young girls and boys in the 7-18 year age group. The majority of those short listed are below 14 years.

During the public hearing, children narrated heart rending stories of the conditions in which they worked. They described how they worked under the surveillance of supervisors, subjected to violence and toiling long hours in the heat and dust. They often suffer headaches, giddiness and mental depression.

The nights are no better for the children who are packed into sheds. During the hearing, children recounted horrifying tales of girls being sexually assaulted, killed and returned home as corpses. There were also testimonies of children who went as migrant labour and ended up in cotton ginning mills, oil and textile mills and as domestic help.

But all is not yet lost. The good news is that *mits* associated with the Dakshin Rajasthan Mazdoor Union (DRMU) have now resolved to fight against child labour and protect child rights. In fact, they have already begun, helping with 400 children recently rescued by the police and transport officials as they were being taken for work.

The *mits* campaigned for the return of the children to their homes, arranged for their admission in 'ashram schools' and helped in strengthening coordination between the departments of labour, police and the Sarva Shiksha Abhiyan programme. However, the *mits* could not take action against the employers as they were located in Gujarat and outside their purview.

Nevertheless, the DRMU managed to organise a meeting with representatives of cottonseed producers from Banaskantha district in the state, and 35 employers agreed to abolish child labour.

The NCPCR plans to continue to keep the momentum against child labour. It will hold a public hearing of children and NGOs working in Gujarat. It also proposes to set up an institutional arrangement between the governments of Rajasthan and Gujarat to review the status of child labour, the enforcement of the Child Labour (Prohibition and Regulation) Act and co-ordinate strategies for rescue and rehabilitation of migrant child labour.

While these initiatives will go a long way in protecting the rights of children, it is only when child labour is completely eliminated will all children truly be able to live their childhood. ■

Spare the Rod and the Child

For long being rapped on the knuckles, running on the school fields, kneeling down or standing up for long hours, being beaten with a ruler, pinched and slapped have been seen by teachers as an acceptable form of disciplining the child.

But can this form of discipline be acceptable? No, says the newly constituted National Commission for Protection of Child Rights (NCPCR). This is in consonance with the Supreme Court order of 2000 banning corporal punishment for children and directing the State to ensure they receive education in an environment of freedom and dignity, free from fear.

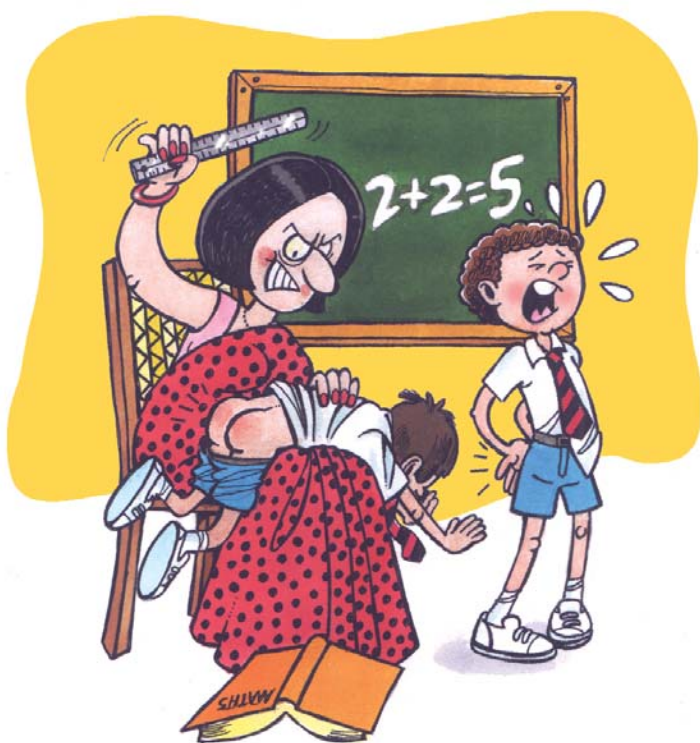


Illustration by Priya Nagarajan

But the rights of children continue to be violated in the garb of discipline. In Rajasthan, a student died two days after he was beaten by his teacher. In Andhra Pradesh there was a report of a school teacher subjecting students to electric shock with the support of the school headmaster. The Commission feels these are not isolated instances but manifestations of a culture of violence and insensitivity to children and their rights.

The need to initiate immediate steps to redress this problem prompted NCPCR to write to the chief secretaries of all states listing out what needed to be done by their education departments to ensure violence is not perpetrated on children.

In the letter to the chief secretaries, NCPCR chairperson Dr Shantha Sinha has pointed out, "Corporal punishment in schools, both government and private, is deeply ingrained as a tool to discipline children and as normal action. All forms of corporal punishment are a fundamental breach of human rights. A slap is as detrimental to the child's rights as grievous injury. Indeed, there are no gradations since it must be seen that condoning so called 'small acts' actually lead to gross violations. It is also legally impermissible."

Due to fear, children are often silent and submit to the violence without questioning. Sometimes they show signs of deep hurt in their behaviour but this goes unnoticed, perpetuating further violence on them. But if every school has a box where the children can drop their complaints anonymously, this can be stopped. Therefore the Commission has recommended as top priority the installation of a complaint box in all schools.

The Commission has defined corporal punishment to include rapping on the knuckles, running on the school fields, kneeling down for hours, standing up for long hours, sitting like a chair, being beaten with a ruler and being pinched and slapped. Locking children alone in a classroom and subjecting them to electric shocks amounts to torture. Child sexual abuse and all other acts leading to insult, humiliation and physical and mental injury have been condemned by the Commission. It says the responsibility of safeguarding children from punishment lies with teachers and the school administration.

The Commission has directed the education departments to:

- Inform children through campaigns that they have a right to speak against corporal punishment and bring it to the notice of the authorities
- Constitute a forum in schools, hostels, Juvenile Justice Homes, shelter homes and other public institutions where children can express their views
- A complaint box in all schools
- A monthly meeting of the PTAs (Parent Teacher Associations), the School Education Committees and Village Education Committees to review complaints and the action taken.
- PTAs to be encouraged to act immediately on complaints by children before further injury is caused
- Parents and children are to be encouraged to speak out against corporal punishment without fear that it would have adverse effect on the children's participation in school.
- The education departments at block, district and state level are to establish procedures for reviewing the responses to the complaints of children and monitoring the action taken.

If all these steps are implemented, going to school could become a joyful experience. For this to happen teachers must spare the rod and the child. ■

Little Ramya Now in School

Within weeks of its institution, the NCPCR ensured that the government took action to save a battered 12-year-old girl employed as a domestic servant by a business family in Hyderabad. Rehabilitated under the National Child Labour Project, she is now doing a bridge education course at the MV Foundation, an NGO in Hyderabad. A criminal case has been filed against the girl's employer, Prameelamma, for torturing her.

The heart-wrenching story of Ramya (name changed) provides an insight into the enormous problems faced by domestic child workers in most Indian cities. The 12-year-old belongs to Reddypalli in Andhra Pradesh's Visakhapatnam district. She is the youngest child of an alcoholic father and a partially blind mother who have two other married daughters.

After her mother became blind in one eye, Ramya was forced to take the responsibility of supporting the family. Promising help, Ramya's grandmother brought her to Hyderabad and gave her as a domestic servant to a city businessman, Krishna and his wife Prameela.

Ramya was doing all the housework, taking care of children and cooking. The work was tough, with long hours. What traumatized her however was the abuse and torture. She was scold-

ed and beaten every day by Prameela. What was more, when Prameela's mother Padma and sister Lakshmi came to visit in the summer holidays, they too battered Ramya with rolling pins and heavy ladles. She had black eyes and bruises over her entire body. Often she was caught by the throat or dragged by her hair and beaten. Unable to withstand the beating and humiliation and fearing for her life, Ramya escaped from her employers one night in May this year.

Hiding near the house, she was found the next morning by a good samaritan who fed the bruised and battered child, gave her fare for boarding an autorickshaw and advised her to take police protection. Ramya went to the Kukatpally police station where the police too was shocked by her condition. They gave her clothes, lodged an FIR and took the culprits into custody.

Based on a newspaper report of the incident, the NCPCR wrote to the Andhra Pradesh chief secretary who ordered an inquiry by the labour department and ensured she was put in the bridge course run by the MV Foundation. This course will enable Ramya to get back into a regular school.

For six months, Ramya endured the physical abuse for a pittance of a salary of Rs 1,000. She is now recovering from her trauma but the bruises will not be easily forgotten. ■

Did You Know?

One in Every Three Malnourished Children in the World Lives in India....

- Half of the World's malnourished children are found in India, Bangladesh and Pakistan
- Child malnutrition rates in India and Pakistan are much higher than in Sub-Saharan Africa on average
- 30% are low birth weight infants
- 47% of children under 5 are underweight
- 45% of children under 5 are stunted
- Over 66% of children, below 6 years of age are moderately under nourished (District Level Rapid Household Survey, DLHS 2002-05)*
- Prevalence of anaemia is over 90 per cent in preschool children, adolescent girls and pregnant women (DLHS2002-05)
- 11.1% increase in crimes against children between Year 2002 to 2003
- 1.26 crore Child Labour in 6-14 Age Group (Census 2001)
- 1.34 crore - or 6.94%* Children Out of School in 6-14 Age Group
- 62.68% Children drop out rate (class 1-10) (HRD Annual Report 2005-06)
- Nearly 30,0000 Girls below the age of 15 have already given birth to at least one child (census 2001)

*Lok Sabha Unstarred Question No.2506, 14 March 2006; * NCRB-Crime in India, 2003, Ministry of Home Affairs



Photo by Paresh Rath

NCPCR Meets the Press

The NCPCR held its first press conference on September 11 at its new office in Chanderalok Building, Janpath, New Delhi. The well-attended event attracted over 35 journalists from the print and electronic media, including representatives from the foreign press. All three members of the Commission and the member secretary were present.

Speaking of the NCPCR's activities in the six months since its inception, chairperson Shantha Sinha highlighted issues like child labour, juvenile justice, malnourishment of children and atrocities against the girl child. The Commission members shared the gaps identified in the policy framework and enforcement of laws related to these child right issues. They discussed specific instances of violations that had been brought to their notice, and the action taken.

Other highlights of NCPCR activities from March-August 2007

- Report to Planning Commission on Strategies for Abolition of Child Labour for inclusion in Eleventh Five Year Plan
- Notices issued to all state secretaries to take action to stop corporal punishment in schools
- Conducted an enquiry on a health survey carried out by a private practitioner in Delhi's Sardar Patel Vidyalaya that violated the rights of the students
- Drafted a note on retention of first generation learners in schools to be sent by the Secretary, Education to all the state secretaries
- Request to states and school managements to formulate a School Nutrition Policy for ensuring healthy, nutritious food to students

Consultations:

- Meeting with Jairam Ramesh, Union Minister for Commerce, to review child labour in carpet industry ; Union Minister for Labour, Oscar Fernandes to discuss abolition of all forms of child labour and the right to education; with Delhi chief minister Sheila Dixit and secretaries of labour, welfare, youth and vocational education, to plan for abolition of child labour in Delhi and the National Capital Region
- Meeting with Union HRD Minister Arjun Singh, where decision taken to convene a special meeting of Central Advisory Board on Education (CABE) in September which will take up among other issues, suggestions of NCPCR
- Review with Planning Commission members and Right to Food Campaign with NGOs on managing the ICDS programme
- Meeting with Commission on Informal Sector regarding its approach to working children

- Consultations with representatives from ILO and Uzbekistan on exploitation of children employed in cotton farms all over the world
- Consultation with 30 NGOs in Delhi and members of the Child Welfare Committee, on the Juvenile Justice Act, 2000 and the condition of juvenile homes
- Meeting with Breastfeeding Promotion Network of India (BPNI) and others on exploring a legal framework for promoting breastfeeding of infants up to six months, systemic reforms for delivery of services and awareness promotion
- Meeting with Mahindra and Mahindra on corporate social responsibility and child rights

Visits To:

- Bihar, Orissa and Andhra Pradesh to discuss setting up State Commissions for Protection of Child Rights, to review violations of child rights and reports of female foeticide
- Tamil Nadu tsunami-hit areas in Nagapattinam to review implementation of children's programmes and policies
- Melghat region in Amravati district, Maharashtra to review programmes addressing malnourishment. Critical gaps



found in functioning of ICDS programme and the rights of children under six

- West Bengal to review conditions of children of prisoners serving life sentence
- Public hearing in Dungarpur, Rajasthan on conditions of children sent as migrant labour to neighbouring Gujarat to work in cotton industry
- Discussions held on child labour policies at the ILO in Geneva with officials of International Programme for Elimination of Child Labour (IPEC) ■

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