



# infocus

## National Commission for Protection of Child Rights

### A Year of Action—Restoring Lost Childhood

During the past year at the NCPCR, we have been focusing on children who are uprooted from their environs and traverse across states in two varied contexts. In the first instance are migrant child labourers trafficked from Rajasthan to Gujarat to work on farms for producing hybrid cotton seeds. They are among the million migrant child labourers in our country. Very often they work in conditions of bonded labour and are neglected by authorities because they belong to another state. In distant and unfamiliar lands, living under exploitative conditions, they face bondage and solitude.

The second context is of children lacking access to health, food and education and living in fear after being forced out of their villages. Following the civil unrest in the Dantewada and Bijapur districts of Chhattisgrah, children moved to the bordering state of Andhra Pradesh. For these already marginalised and socially excluded children, crossing state borders makes them even more vulnerable.

NCPCR facilitated joint action by the governments of Rajasthan and Gujarat to break the systemic silence on the tragedies of these children and prevent child labour. Officials of the gram panchayats, departments of education and labour have committed to stop child labour and bring them to schools. In Gujarat the commitments included issuing of a strict warning to the employers not to engage children in the agricultural sector this season. A serious impediment to enforcing the law is the non-inclusion of child labour in agriculture under the Child Labour (Prohibition and Regulation) Act 1986. It has been decided that the Bonded Labour System Abolition Act, 1976 be used to prevent children from being forced to work against a monetary advance given to the parents.

In the case of hunger and malnourishment of displaced tribal children and their access to education in Hindi medium schools in Andhra Pradesh, collaborative commitments were made in the joint action meetings held between officials of Chhattisgarh and Andhra Pradesh governments. Integrated Child Development Services (ICDS) is to be expanded to the new settlements and Residential Bridge Courses (RBCs) are to be started at the earliest. The Chhattisgarh officials have also spelt out their plans for the displaced children in the districts of Dantewada and Bijapur.

It is hoped that lost childhood will be restored through concerted actions by all authorities. While finding institutionalised solutions to their predicaments, efforts to protect and restore dignity to children and facilitate access to all their fundamental rights will remain NCPCR's constant endeavour. In order to get the voices of children heard we need to know what they feel, how they live, what they learn and what they eat. We will continue to appeal to the conscience of central and state governments, UN organisations and political parties to meet their obligations to children. ■



Shantha Sinha

May 2008 Issue

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## Educate Every Child to End Child Labour



Photo courtesy: UNICEF, New Delhi

- 52 per cent of children drop out before class 8 or don't attend school at all
- Child Labour in 6-14 Age: 1.26 crore (Census 2001)
- Children Out of School in 6-14 Age: 1.34 crore or 6.94%

Even after 60 years of Independence, India has not been able to ensure all its children go to school. Although the economy has been booming, there has been little improvement in the quality of life for the 420 million children in the country. In fact, the number of children in the labour force has increased.

Child rights activists believe that every child who is not in school is a child labourer. Yet, these alarming statistics have not been able to force policy and decision makers to give children a right to education. What could be done to change the situation and end child labour and empower each child with education? This was the objective of a meeting organised recently by Nehru Memorial Museum and Library (NMML) in collaboration with the National Commission for Protection of Child Rights (NCPCR).

"Education is the best way to prevent child labour. But the Right to Education Bill is stuck with the Ministry of Law and there doesn't seem to be any big effort to get it passed as there is a feeling that the state cannot afford to pay for universal primary education," contended Vinod Raina, social activist

Although Simi Chowdhary, deputy secretary, department of elementary education, Ministry of Human Resource Development, stated that the government was committed to providing universal primary education and had garnered Rs 10,303 crore from the education cess, an increase of Rs 1,557

crore from 2007, she was unable to make any commitment on when the Right to Education Bill would be passed.

"The introduction of the Right to Education Bill is the key. There needs to be a greater push for the right to education and for it to be recognised as a means of breaking the inter-generational cycle of poverty," said Shantha Sinha, chairperson, NCPCR.

She said the power of literacy gave more than just jobs. "It gives a sense of self-worth and is necessary for social and cultural capital. When a large section of society is illiterate, it leads to people being unequal and marginalised."

India could not claim to be a global power while its children continued to be exploited stated Professor Asha Bajpai, TISS, Mumbai. Furthermore, there was no cut-off date for complete abolition of child labour. "Child labour is a violation of both laws and the Constitution, especially of Article 21A which states that free and compulsory education of all children between 6 -14 years," she pointed out.

According to lawyer Ashok Agarwal of Social Jurist, a civil rights group pursuing causes of children related to education and child labour, once the Bill was introduced it would put an end to schools run by non government organisations. This would help the children as they needed regular school and not transformatory school, he said.

Aggarwal pointed out that there were over three crore people living a migratory existence. "Where is the policy for educating them? They are completely outside of the school system. The government should address this issue so that children are not employed as cheap domestic labour," he stated.



Photo courtesy: UNICEF, New Delhi

According to a study done by the International Labour Organisation, wages earned by children contributed so meagrely to the family's income that they were almost irrelevant. Therefore, the argument that poverty would continue if children didn't work was invalid.

"Child labour is a cause of poverty. It is denying people the opportunity to acquire the education and skills they need to obtain decent work and incomes as adults. Child labour never moves a household out of poverty – it simply transfers poverty from one generation to another," said Bajpai.

It was in fact non-poverty factors such as attitudes, customs and practices that led to the persistence of child labour. "This is a social inclusion issue and we must recognise discriminatory factors," added Victoria Rialp Head of Child Protection, UNICEF. The focus should therefore be on developing more social programmes to support families in need and to help them find alternative income to prevent child labour.

Trade unionist Amarjeet Kaur said that if the government continued to take 'project-based action', it would not be able to eradicate child labour. "Only 0.45 million working children have been mainstreamed into regular education under the National Child Labour Programme (NCLP)," she said.

The NCLP should be scrapped contended Ashok Khandelwal of Rajasthan Mazdoor Union, a NGO working to abolish child labour. "We need to have very strong public action for things to improve because if it is left to the government, nothing is going to happen. The NCLP should be scrapped and the entire fund

used to enforce the child labour law," he said

Agreeing that education played a vital role in the eradication of child labour, SK Dev Verman, Ministry of Labour, pointed out that the ministry proposed to expand the National Child Labour Programme (NCLP) from the present 250 districts to all 600 districts in the country. "We are also amending the programme to include vocational training as a part of NCLP for children between 14-18 years," he said.

He revealed that they were going to add an additional nine occupations to the prohibited list. "Child labour is so ingrained that it has become a part of our environment and we see it every day. We are against child labour in every form, not just hazardous forms. The idea is to gradually increase the number of occupations on the prohibited list so that ultimately there will be no forms of labour left open for children," he stated.

It was also revealed that the ministry was thinking of conducting a head count of child labour in a period of one and half years which would be separate from the census which only takes place every 10 years.

While there was an urgent need to review the child labour policy as there had been many changes in last 21 years, poverty alleviation programmes for the families of children were also imperative. But unless the government announced a time bound programme for complete abolition of child labour and introduced the Right to Education Bill, it may not be possible to end child labour in all its forms and fulfill the right to education for all. ■

## Panchayats as Important Protectors of Child Rights

When Narasingh Rao of Chinnasolipet village took over as sarpanch of Shabad Mandal in Rangareddy district of Andhra Pradesh, the first thing he noticed was that the schools were being used for marriages, functions and everything else but education. Rao got the schools cleaned, provided drinking water and sanitation facilities on the premises and ensured they were used only for the children's education and their extra-curricular activities. Subsequently, an education committee which meets every month was set up with village youth and the gram panchayat representatives to monitor the education of children in their area.

The best practices of some of the panchayats were shared at a conference on panchayati raj institutions and child rights, organized by the NCPCR and the Ministry of Panchayati Raj. The importance of the role of Panchayats in monitoring and protecting child rights was highlighted within the context of the overwhelming challenges facing children today.

Rajwant Sandhu, Additional Secretary of the Panchayati Raj Ministry underscored the scale of this challenge by expressing concern for the 30 crore children living in rural India in a country where there was acute shortage of health and education facilities for children. Also access to quality education is difficult and many people are deprived of two square meals a day.

She also emphasised that as per the National Family Health Survey report released recently, 47 per cent of children in India are malnourished.

The conference brought out the fact that wherever PRIs took the initiative to protect child rights, development indicators in areas like education, health and child trafficking improved dramatically. In recognition of this fact, Mani Shankar Aiyar, union minister for panchayati raj, said in his inaugural address at the conference that the government now needs to empower panchayats to take a structured response to child rights. "Functions, finances and functionaries should be made available to the panchayats by the centre and state governments in order to institutionalize child rights in the PRIs and elected bodies," he said.

Prime minister Manmohan Singh expressed appreciation of the work done by NCPCR to institutionalize child rights in local governance. At a recent meeting to discuss the

Commission's work the prime minister extended his support for its activities.

Demonstrating the scale of impact that the panchayat can have as a protector of child rights, the Shabad Mandal gram panchayat has also set up a health committee which supervises anganwadis, nutritional status of the children, the work of ANMs, administration of immunizations and vitamin supplements as well as other related issues. Rao proudly states that with child rights becoming a core activity of the panchayat, there is absolutely no incidence of child labour in Shabad Mandal.

In Meghalaya, PRIs have reported 132 cases of children missing from their villages though neither the police nor the courts were aware of it. These cases are now being investigated



by the Anti Human Trafficking wing of the United Nations Organisation on Drugs and Crime.

Rao is a representative member of the 600 gram panchayats in the country whose work on child rights has been highlighted by the NCPCR. In fact, the NCPCR chairperson said these 600 gram panchayats, which have an understanding of child rights, have established systems for addressing their concerns and monitoring the work of institutions of the state on child rights, can serve as resource centres to train other elected representatives from the country.

To help the PRIs internalize various child rights issues, the Child Rights Trust of Bangalore, for instance, has been holding special gram sabhas with the support of the rural development and panchayati raj department. Vasudev Sharma of the Trust

says, “The Panchayat Act of Karnataka squarely holds the PRIs responsible for the well being of the gram panchayat including issues of malnourishment and all other child issues. The stand is clear – local self governments are responsible for child welfare.” Suryakant Kulkarni of SEDT, Pune, which is working in 350 panchayats, says “The gram panchayats already have established village committees with defined statutory roles, so it was easy for us to introduce child rights work through these bodies.”

Child rights training of the elected representatives often begins with building awareness about the importance of collecting and analysing local level statistics on children, such as registration of births, age at marriage, details of school-going children and dropouts, immunizations and health report

cards. Gram panchayats can play an important role in monitoring the school attendance of children, the growing demands on school infrastructure, making sure that schemes like NREGA are not employing children, and ensuring dietary requirements are met through school midday meal schemes and anganwadi centres.

As sarpanch Minthram Yadav of Hira Nagar village in Tikamgarh block of Madhya Pradesh said at the conference, “I took an oath to protect children when I took over as sarpanch. The future of my village depends on the welfare of the children.” For the 30 crore children of rural India, the protection from their panchayats could be their best bet of getting a better life. ■



## Feedback

I find the NCPCR Newsletters extremely informative and enlightening on issues concerning children.

We have shared information about the Newsletter with several individuals and organisations working with children, especially those who participated in our training courses and workshops.

**Minaxi Shukla**  
Deputy Director  
CHETNA, Ahmedabad

I hope NCPCR will give priority to issues of accessibility of adequate healthcare and nutrition for the millions of poor children in our country. It is a fundamental right of children but is quite often denied to them. We hope in the coming months NCPCR will get involved in the survival issues of children.

**Rita Panicker, Director**  
Butterflies, New Delhi

The Newsletter made absorbing and lucid reading. In particular, the depiction of issues arising out of the NCPCR team's visits and activities in different states has been educative for me. I became better informed of measures being taken by NCPCR for ascertaining justice to children.

**Bharti Sharma**  
Chairperson, Child Welfare Committee, Delhi

The newsletter of NCPCR is indeed commendable. In a short time you have made a difference. Of course the challenge ahead is stupendous and we cannot rest content even for a while. Hearty congratulations that under the stewardship of Shantha Sinha the mission of ensuring child rights is receiving tremendous dynamism and impact. Best wishes for the mission.

Two small suggestions for the Newsletter:

1. Open a box showcasing 'Good practices' of any agency or individual on child rights. Something ingenious, innovative, replicable and oriented to human rights that has made an impact.

2. Start a column titled 'Ask Us' in which readers can ask questions and you can answer. It will start a dialogue and also build involvement. For preparing the answers you may need the support of experts or professionals. You can constitute a panel of volunteers with proven experience in the field.

**Dr P.M. Nair**  
Project Coordinator  
Anti Human Trafficking, UNODC

You and your organisation deserve hearty congratulations for the Newsletter, which I read with keen interest. A corner on child rights NGOs and their activities would augment its utility. Keep it up.

**Professor V. S. Mani**  
Director, School of Law and Governance  
Jaipur National University, Jaipur

Thanks for sharing the Newsletter. It is a good initiative to take child rights and child protection issues forward in the country.

**K K Tripathy**  
Coordinator - Alliance Building  
Butterflies (Programme with street and working children)

The Newsletter is very informative. The highlights of the Supreme Court rulings particularly were really useful. I have a few suggestions:

1. Bring out a special issue on the 'various court rulings' in favour of children's rights (like you have highlighted a few in the February issue).
2. Circulate the Newsletter to all Child Welfare Committee (CWC) and Juvenile Justice Board (JJB) members in the country.
3. Compile a directory of all the CWC and JBbs functioning in the country. You could start by putting in one state in the next issue.
4. A handbook (to facilitate day to day functioning) for the Chairman and members of the CWC based on the State rules.

**Partha Roy**  
Child rights activist  
Kolkata ■

## The Child in the 2011 Census-Map the Gaps



Photo courtesy: UNICEF, New Delhi

There are around 420 million children in India. Children below the age of 18 constitute 41 per cent of India's population. Therefore, understanding their status and situation is critical for national development and progress.

However, there are many gaps both in information and insights on children. Even the census, which is the only comprehensive government tool of authentic data collection, has not been able to fill these gaps and this has impacted on the processes of planning, programming, policy and evaluation of investment on children.

But what does the country need to know about children? Who are the unmapped children? What is the unmapped information? How can the next census of 2011 seek and provide needed information and insights on issues related to children? What are some of the key issues left out of the census questions and investigations? These were some of the issues discussed at a meeting organised to examine priorities for the 2011 Census by the National

Key issues discussed included reviewing the definition of children and coverage of special categories of children as well as reach of major institutional child support programmes. Most importantly, there was a need to expand the definition of a child. In the last Census, a person in the age group 0-14 was considered a child. But this time persons up to 18 years must be included in the definition of children. Definitions of special categories of vulnerable children such as 'orphans' and 'homeless' were highlighted for review as were key events which impact the lives of children such as migration. For example, a one-night counting of the homeless population cannot really reflect the reality of children in this group nor can migration be viewed as a one time event in the lives of children.

Commission for Protection of Child Rights (NCPCR) in April.

According to Shantha Sinha, chairperson, NCPCR, although studies like National Family Health Survey, Statistical Research Survey and other similar surveys were very valuable their coverage was not as wide as the census. The census has greater importance as it covers the entire country. Facts emerging from the census can enable better understanding of children's concerns and facilitate better policies and programmes for children. Therefore, deeper research is needed by census enumerators to give the complete picture of children.

Although the census cannot answer every question and may not capture full details of every issue, it must point the search in the right direction she said.

Razia Ismail Abbasi, co-convenor, India Alliance for Child Rights (IACR) said that NCPCR and civil society organisations like IACR could give qualitative inputs to the planning process so that the 2011 Census operations could expand the scope of

the search related to children.

One of the areas which was highlighted for greater research was data on the sex ratio of children between the ages of 15-18 years which was more alarming than that within other age groups but had not come under much scrutiny. The absence of well researched data on children living with HIV had affected quality healthcare services and delivery. If a question on children affected by HIV could be added, it might help in more sensitive planning on providing care and services.

Radhika Alkazi of Astha, a NGO working with children and disability, pointed out that there was a dearth of data on Children with Disabilities (CWDs). She said that the 2001 census figures indicated a decline in CWDs in the 0-6 year age group. But there was hardly any data on girl children with disabilities. Neither was there any data on infant mortality rates (IMR) for CWDs or information on the cause of child deaths due to disabilities.

“A disability count may call for better questioning and better sensitisation of enumerators. Will a question on disability like a question on mental disability be answered? It may be necessary to think of alternate ways of asking or putting questions on disability. There is a need to look at the definition of disability on which census data is collected,” she said.

At present, the census was considering the head of the institution as the main informant to collect data on children living in institutions. However, this may not be fair to the children being counted said Razia Abbasi. “What about considering children (especially the older ones) as respondents? Could the census recognise child participation aspects?” she asked.

There is little data on children in institutions that are not registered. In fact, greater clarity on the definition of orphan children was needed and data on access and availability of services for other vulnerable children like street and working children with no support systems needed to be included in the census.

Another gap that needed to be filled by the 2011 census was data related to delivery of services for children. There was a need to understand whether all children were going to the ICDS centres or not, whether children were being provided mid-day meals or not and whether or not there was full immunisation coverage pointed out Himanshu, assistant professor Jawaharlal Nehru University.

Preet Rastogi of the Institute for Human Development sug-



gested that it may be helpful if smaller surveys could be launched to pilot questions on children from a rights perspective especially related to child protection issues.

Concern was expressed over the possibility of the 2011 census dropping the question on age at marriage. All the child rights activists felt that as child marriage was a serious issue, information on the extent and trends must be known and this had to be brought to the attention of the Census Commissioner.

In fact, the experts felt that new questions needed to be included in 2011 Census exercise. In addition to information on date of birth, there was a need to add question on birth registration and certification. It should also find out where the child was born, and whether it was an institutional delivery or home delivery. Also, a question to find out the sex of the

head of the institutional household could be added.

NCPCR chairperson suggested that while enumerating the number of children accessing education, the census should not limit it to those attending elementary school but also include pre-school (3-6 year age group) and of children in the 14-18 age group as well.

Further, there was need to find out whether the data on child labour collected through the Census was in line with the definition of the Child Labour Act and whether all the processes and labour activities mentioned in the Child Labour Act were included in the Census. The NCPCR chairperson also noted “Deficiencies in the law will limit the potential for comprehensive and clear census findings,” highlighting the issue of coverage in line with scope of existing child legislation versus anticipated reforms.

Other suggestions emerging from this meeting include creating a new web page pertaining to data on children, bringing out a special report with data collected on children, mapping trends in certain categories like children belonging to the Dalit, Scheduled Tribe and Scheduled Caste communities.

The NCPCR is planning to share the recommendations for follow-up investigation and deliberation arising from this discussion with the Registrar General of India. While child rights activists agree that the census cannot cover all aspects related to children, they feel that with the expansion of its scope of inquiry, greater definition and clarity, data can emerge which can impact substantively on the successful development and execution of plans and programmes for children. ■

## Rights of Children to be Included in Rehabilitation Packages



The NCPCR has suggested changes in the National Policy for Resettlement and Rehabilitation of Project Affected Families-2003 and the National Rehabilitation Policy-2006 to ensure children's needs and rights are met.

In a letter to Raghuvansh Prasad the minister for rural development, NCPCR chairperson Shantha Sinha has pointed out that a review of the status of children in areas of displacements due to development programmes as well as disasters and conflicts, shows that most rehabilitation programmes do not take into account the impact of such massive deprivation on children.

Often children are left hungry, malnourished, without access to food and health facilities. Children in schools are pushed out of the school system with no arrangements for re-integration into new schools in areas of their relocation. There

are problems of identity, admission procedures and acceptance of transfer certificate, especially if families resettle in the neighbouring states. Many children are left without care and protection, having lost their relatives.

The Commission also wants to make a presentation to the Parliamentary Committee on Rehabilitation on the importance of having a child rights perspective. It has said that the Preamble to the National Policy on Rehabilitation should state, 'Displacement can also lead to violation of children's rights in relation to their access to nutrition, education, health and other facilities.'

It also says the policy should, 'Call for an impact assessment on children and their access to all their entitlements. This has to be gender and age specific.'

Within the policy itself all children belonging to SC/ST communities should be given special care and ensured continued schooling. The functioning of ashram schools, hostels, ICDS, scholarships and all other entitlements of children should be mandated.

The Commission has said unmarried daughters should enjoy equal rights as sons in all entitlements and adequate land should be acquired for establishing schools, anganwadi centres and, where necessary, hostels. The staff recruited for running these services should also be listed, the Commission has stated.

The Commission has sought the inclusion of the departments of women and child, social justice, labour and human resource development in overseeing the NRP (National Rehabilitation Policy).

A new clause, the Commission has said, may be included in the NRP making it mandatory to do a survey to provide a list of children (age and gender specific) from each affected family enumerating their state of health, nutrition and education. The survey should also include details on school education, specifically the class the child is studying in to ensure there is no break in their academic calendar.

It would be the responsibility of the Administrator for Resettlement to ensure that the plan contains provisions for setting up schools, hostels, ICDS Centres, bridge schools and to make available the necessary resources for these facilities.

In cases where children are at the risk of losing their entitlements to health, nutrition and education during the transition period of displacement and resettlement, transitional arrangements for access to schools and ICDS centres are to be made, the Commission has said.

All violation of child rights and the action taken to redress them should be periodically reported to the NCPCR. ■

## Restoring Education and Health for Displaced Children

Education, health and tribal affairs officers in Chhattisgarh and Andhra Pradesh have been asked by the NCPCR to draw up action plans to ensure education for all children displaced from Chhattisgarh and residing in Andhra Pradesh. Hindi teachers and Hindi textbooks are to be provided for these children and a time-bound scheme worked out to enable displaced children, where needed, to prepare for the Board exams.

In December last year a fact finding team of NCPCR chairperson, Shantha Sinha, Venkat Reddy of the MV Foundation and JM Lyngdoh, former chief election commissioner, had visited Dantewada in Chhattisgarh, affected by civil unrest, and Khammam district of AP where 30,000 displaced tribals are living. They expressed concern about the health, education and nutrition of the displaced children.

At a meeting at the NCPCR in Delhi last month with officials from both states, the Human Resource Development Ministry and the National Commission for Human Rights, it was decided that a small team of officials from the two states will visit the displaced persons in AP to open communication channels between them and the administration. It was pointed out that fearing the administration, the migrants stay away from services. An updated survey of displaced children and families is to be conducted in Khammam and other districts.

The NCPCR extended full support for implementing the initiatives discussed at the meeting including monitoring and inter-departmental government facilitation. To see how its recommendations are being fulfilled an NCPCR review committee will visit AP in June.

Representatives from AP said there was no opposition to providing services from the departments of education, women and child, tribal affairs and rural development to the migrant families. However, a combined executive order to the District Collectors of the border districts, authorising them to provide services to the migrant population was considered essential. Action Aid, a NGO, has been working in Khammam and providing nutrition and play-school facilities to 650 displaced children. The ICDS district administration would provide supplementary nutritional support to the Action Aid initiative.

Of the 99 displaced persons habitations that the Khammam administration has identified, 56 are close to the main villages. AP officials assured that an enrolment drive would be conducted to bring the displaced to the existing ICDS centres. They also assured access to basic services (including ICDS) to the 43 habitations identified by the government as having no support services.

To eliminate fear of the administration among the displaced, it was decided that the district administration with the help of local NGOs and gram panchayats should carry out a campaign on the rights of tribals to ICDS and education.

The district collector, Khammam, has been asked to provide the NCPCR data about the settlements (names and locations) of the displaced with details of how many have access to health and other facilities. Similar action plans are to be prepared for the displaced in the districts of Warangal, Adilabad, East and West Godavari and Karimnagar.

The Dantewada district collector has been asked to share with the NCPCR the report of the children's survey carried out in nine camps there. He has also been asked to share details of the teams identified in each village and urban municipality to work on child rights and the training they will receive. The Collector has been asked to monitor the return to villages of those residing in camps and ensure relocation of anganwadi centres, schools and primary health centres to the villages.

The Bijapur district collector has been asked to furnish similar

details on the Bijapur camps and conduct a census of children in these camps—their age, sex, and education status. The education department of Chhattisgarh has been asked to provide details of camp children enrolled in schools, residential bridge courses (RBCs), ashram schools, and Kasturba Gandhi Balika Vidyalayas. The NCPCR has expressed concern on the mainstreaming of children from the bridge courses into schools and sought information

on the government's plan to cater to the education needs of children who do not pass the test for going to school.

The Commission has sought Dantewada and Bijapur's 'Education Action Plans' and will write to the Home Ministry to plan an 'internal displacement programme' for the country. A 'monitoring committee' will look at the implementation of the NCPCR recommendations and all actions for protecting and ensuring children's rights.

The AP government was represented by its state project director, Sarva Shiksha Abhiyan, Deputy Commissioner for Tribal Welfare, Department of Labour, Secretary Women and Child Department and SSA Additional State Project Director. The Chhattisgarh government was represented by its special project director, SSA, Director, SC/ST Development, Secretary, Women and Child Department, Secretary, Health, District Collector, Dantewada, Secretary, Department of Labour and Deputy Chief Inspector of Factories. Several representatives of the central government also participated. ■



## Looking Back, Looking Forward

The NCPCR is one year old. This milestone recognises the dedication and commitment of innumerable child rights protagonists across the country both in the government and the civil society, working with obsession and passion to ensure that our children are cared for, have a safe and protective environment and enjoy all their rights. They have given strength to the NCPCR to take an uncompromising stand in favour of child rights.

The NCPCR hopes that such actions become a part of national consciousness and culture where children are treated with respect and dignity as a matter of habit.

One of the key issues NCPCR responded to in its first year was the violation of children's rights in the very institutions meant to protect them. It found through media reports and complaints received on corporal punishment that there has been a lack of sensitivity on the predicament of our children in schools, hostels and ashram schools.

In the public hearing held in Chennai, NCPCR heard harrowing experiences of insults and humiliation faced by children, the tragic stories of suicides and attempts at suicide by them. The Commission issued guidelines to all the state secretaries to stop corporal punishment. This has generated a good response. Many teachers across the country have pledged not to punish children. This has had a positive impact on teacher-child relationship and also improved the school culture. It is hoped that through greater social watch, institutions will begin to respect children and their rights.

The NCPCR has constituted expert working groups to look into complaints of violation of child rights in custodial institutions under the Juvenile Justice Act such as Children's Homes and Observation Homes. It is also concerned about the delay in justice to these children. Consultations were held to sensitise government, NGOs, staff within Homes, Juvenile Justice Boards, Child Welfare Committees, police and judiciary on the need to provide care and protection to children in conflict with law.

The spirit of the JJ Act needs to be internalized by all concerned authorities and a child centric approach needs to be implemented. In concrete terms, this means developing indicators to assess these institutions on the basis of the child's education, nutrition and health including the monitoring of psychosocial indicators. It also means exploring non-institutional support options for children and to seek justice with-

out resorting to formal judicial proceedings and detention where possible.

In the public hearings conducted by NCPCR, members were moved by the heroic accounts of young children who repeatedly risked their lives to escape drudgery, bondage and solitude for freedom and liberation. Consultations were held with the government and NGOs in the states of Rajasthan, Bihar, Madhya Pradesh, Jharkhand, Gujarat, Andhra Pradesh and Tamil Nadu to review the enforcement of laws on child labour and the functioning of the National Child Labour Programme.

The NCPCR also took up the issue of the large numbers of children who migrate from Rajasthan to Gujarat to work on farms, ginning mills, textile factories, salt pans, brick kilns and

constituted a working group on child labour and education to look at the existing policies and legislation from a rights based perspective. NCPCR made recommendations to the Ministry of Labour, Planning Commission and the state governments to consider prohibition of child labour and to ensure their right to education. Many of the state governments have responded positively.

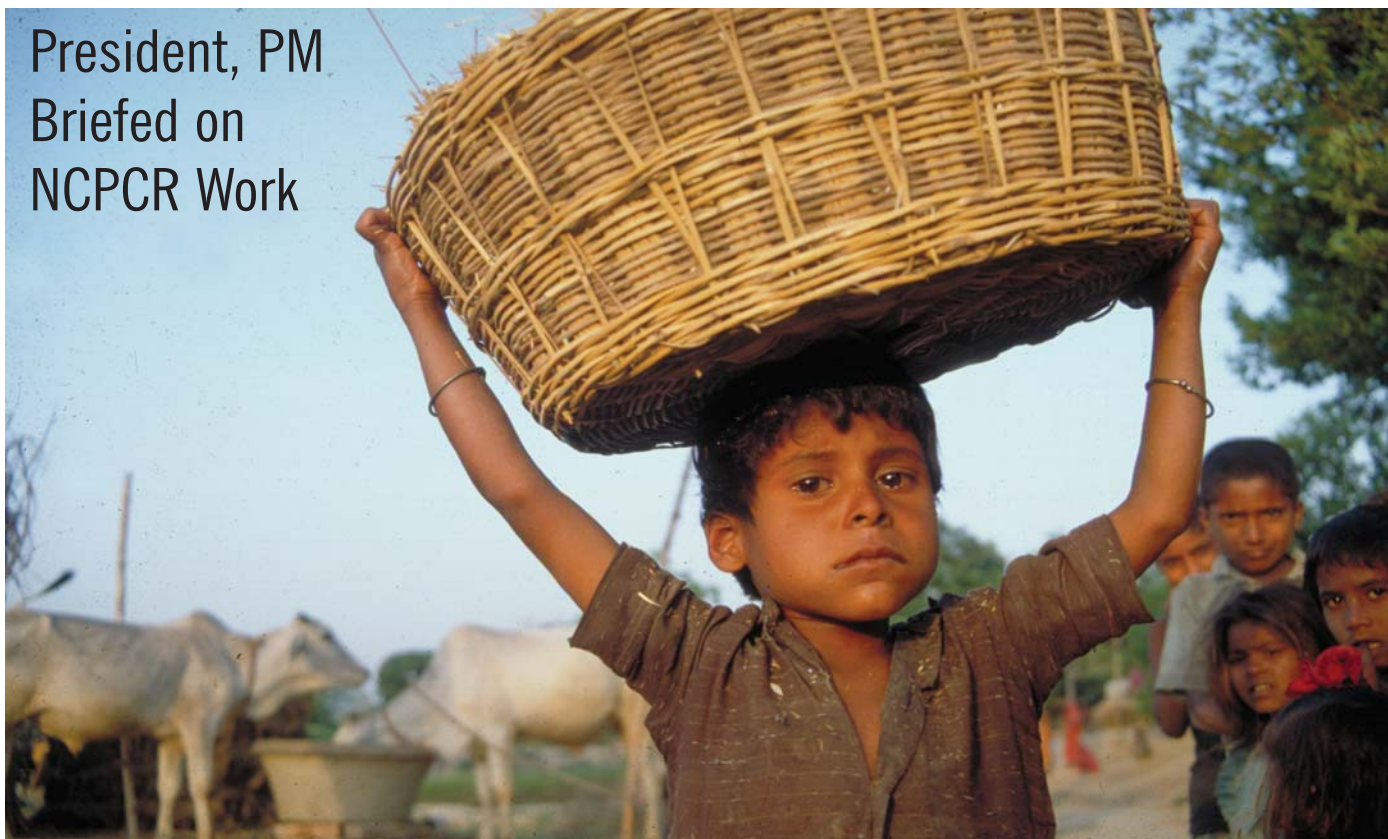
NCPCR intervened in the border districts of Dantewada, Bijapur in the state of Chhattisgarh and Khammam and Warangal in the state of Andhra Pradesh. It brought the respective governments to focus on children who have been denied access to health, nutrition and education due to civil unrest. Their efforts are yielding attention and action towards harmonising societies in the area.

The NCPCR is committed to ending child malnourishment, foeticide and infanticide, discrimination of girls and stopping early child marriages. For this the National Rural Health Mission must focus on assuring universal immunization, ante-natal and post natal care and safe motherhood. Importantly, rights of children under six years will be better protected by giving dignity to the anganwadi workers and the ASHA volunteers and professionalisation of their services. It is hoped that the anganwadi centers become a place of pride for the entire village.

The Commission will continue to work to raise public awareness on protecting child rights. It has initiated the groundwork to recommend policy changes as well as changes in legislation, which it will pursue actively in the years ahead. It will strive to build evidence and data for restoring childhood to India's children. ■



## President, PM Briefed on NCPCR Work



The NCPCR met the President, Vice President, the Prime Minister, union railway minister and the chief minister of Delhi to brief them about a year's work of the Commission and to seek their support for child rights. Put child issues high on the nation's list of priorities was the clarion call of the Commission.

The Commission sought the support of agriculture minister Sharad Pawar to eliminate child labour in the agriculture sector and was asked to take up the issue with the Minister for Labour. Informed about the three-lakh children working in the hybrid cotton industry and the dangers they faced, Pawar expressed deep concern. He asked the Commission for a note on children working in agriculture and assured he would follow up with the concerned departments.

In meetings with Left party leaders Prakash Karat and AB Bardhan, a request was made to ensure that the Right to Education Bill is introduced and passed in the current session of Parliament. The Commission asked the Left parties to share its responsibility of informing all members of parliament about its its work.

A dialogue was also held with the young MPs who have formed a Citizen's Alliance against Malnutrition and support sought for action on children. Among the MPs met were Sachin Pilot, Supriya Sule, Jay Panda, Shahnawaz Hussain and Shyam Benegal. Some MPs were even invited to the NCPCR office for a dialogue on child rights and their situation in the country. ■

## NCPCR in Dhaka

NCPCR member Dipa Dixit participated in a 3-day UNICEF consultation on 'Social Protection of children,' held in Dhaka, Bangladesh in April. Policy makers and experts from eight countries met at the symposium to address issues of poverty. It focused on how expanded social protection could ameliorate inequality. The symposium recommended child-sensitive social protection in south Asia.

In her presentation on Universal Primary Education (UPE) and Abolishment of Child Labour as a Non-negotiable, Dixit said the challenges for fulfillment of this goal included the development of a comprehensive legislative and policy response which would result in social protection for all children. To bring 'excluded' children into the education system for achieving UPE, the 'Right to Education' of every child has to be recognized as a fun-

damental entitlement. The presence of child labour impacts enrolment and retention. Policies banning child labour in all forms and amending the currently restricted legal definition of child labour would be an important first step, she said.

In achieving UPE, legislation and policy must also address children impacted by emergency conditions and those caught in the Juvenile Justice system. With increasing emergencies and conflict situations in India and the world, the state needs to make special provisions for such children's education, among other things. Care must be taken to discuss children's situations while formulating national policies on relief and rehabilitation. The right to formal education for children in need of care and protection as well as in conflict with the law must be recognized, Dixit reiterated. ■

# Children's Bill of Rights

A child is every person under the age of 18 years. Parents have the primary responsibility for the upbringing and development of the child. The State shall respect and ensure the rights of the child.

## Dignity and Expression

- I have the right to know about my Rights [Art.42]
- I have rights being a child and no matter who I am where I live, what my parents do, what language I speak, what religion I follow, whether I am a boy or a girl, what culture I belong to, whether I am disabled, whether I am rich or poor. I should not be treated unfairly on any basis. Everyone has the responsibility to know this. [Art. 2]
- I have the Right to express my views freely which should be taken seriously, and everyone has the Responsibility to listen to others [Art.12,13]
- I have the Right to make mistakes, and everyone has the Responsibility to accept we can learn from our mistakes. [Art 28]
- I have the Right to be included whatever my abilities, and everyone has the Responsibility to respect others for their differences. [Art 23]

## Development

- I have the Right to a good education, and everyone has the Responsibility to encourage all children to go to school. [Art. 23, 28, 29]
- I have the Right to good health care and everyone has the Responsibility to help others get basic health care and safe water. [Art. 24]
- I have the Right to be well fed and everyone has the Responsibility to prevent people starving. [Art. 24]
- I have the Right to a clean environment, and everyone has the Responsibility not to pollute it. [Art. 29]
- I have the Right to play and rest. [Art 31.]

## Care & Protection

- I have the Right to be loved and protected from harm and abuse, and everyone has the Responsibility to love and care for others. [Art.19]
- I have the Right to a family and a safe and comfortable home and everyone has the Responsibility to make sure all children have a family and home. [Art. 9,27]
- I have the Right to be proud of my heritage and beliefs, and everyone has the Responsibility to respect the culture and belief of others. [Art 29,30]
- I have the Right to live without violence and corporal punishment (verbal, physical, emotional), and everyone has the Responsibility not to be violent to others. [Art. 2, 28,37, 39]
- I have the Right to be protected from economic exploitation and sexual exploitation, and everyone has the Responsibility to ensure that no child is forced to work and is given a free and secure environment. [Art. 32,34]
- I have the Right to protection from any kind of exploitation and everyone has the Responsibility to ensure that I am not being subjected to be taken advantage in any manner. [Art 36]

## IN ALL ACTION CONCERNING CHILDREN THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION

*All these rights and responsibilities are enshrined in the United Nations Convention on the Rights of the Child, 1989. It contains all the rights which children have all over the world. The Government of India signed this document in 1992.*

Source: National Commission for Protection of Child Rights, Government of India

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