

# Need for National Commitment

*Shantha Sinha*



*We must see  
the importance  
of attainment  
of children's  
rights for social  
transformation  
and deepening of  
democracy*

**T**HE NATIONAL Commission for Protection of Child Rights (NCPCR) has been set up by an Act of Parliament in December 2005 to stand by children, give a call that 'children come first'. The child is defined as children in the 0-18 year's age group. The mandate of NCPCR is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with child rights perspective. Thus protecting children's rights is not a charity act but one of taking a correct stand on behalf of children and their rights and ensuring that the State meets its obligations to protect children and their rights. Indeed in a sense NCPCR is the legitimate space provided by State for children and all those who vouch for children both in the government and in the civil society.

Considering the precarious conditions under which most of our children live in, there is a need to recommit ourselves

to the constitutional obligation towards our children made nearly six decades ago. The Constitution clearly provided for a commitment to free and compulsory education for all children up to 14 years of age in the Directive Principles of State Policy. This was to be accomplished within ten years of i.e by 1961. It had included as a fundamental right in Article 23(1) 'prohibition of traffic in human beings and all forms of forced labour' and stipulated that 'any contravention of this provision shall be an offence punishable in accordance with law'. And at the same time in Article 24 it provided that 'no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment'. It also directed that '....the tender of age of children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength (Article 39-e). The highest form of support for children was envisaged in the visionary provision that stated in

The author is Magsaysay award winner and chairperson, National Commission for Protection of Child Rights (NCPCR).



Article 39-f that 'children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment'. While the national commitment has been clearly enshrined in the Constitution of India, in signing the UN Convention on Child Rights in 1992, our country joined hands to the global commitment to all our children.

It is also good to trace some of the important policy statements of our country which have been approved by the Parliament and revisit them. Our country formulated its first child policy in the National Policy on Children, 1974 in which it laid emphasis on a comprehensive health and nutrition for children and expectant mothers, a time-bound programme for provision of free and compulsory education with focus on girls and pre-school education, abolition of child labour and suitable education for those unable to come out of work, focus on SCs, STs, physically and mentally challenged children and so on. It mentioned the responsibility of State and community and stated that adequate resources would be made available for these programmes and wherever necessary there would be changes in the legislation. Many of these issues were reiterated in the National Charter for Children in 2003. Some of the new issues it added were with regard to child labour where it mentioned 'The State shall move towards a total ban of all forms of child labour', 'The State shall take serious measures to ensure that the practice of child

marriage is totally abolished' and that 'all matters and procedures relating to children viz. judicial, administrative, educational or social, should be child friendly'. Subsequently the National Plan of Action in 2005 that was published was more nuanced and had a rights based perspective ensuring that health, nutrition, education, water, sanitation and environment, are guaranteed even as it laid an emphasis on children in difficult circumstances and also girl children and their access to education as against abuse, child marriage trafficking and loss of dignity. The rights based approach in the National Plan also emphasised the need for measurable indicators.

Consequently there is also a need to appreciate the institutional support for implementing the laws and policies that have been made. India has the largest network of early child care centres, immunization programme, nutrition program, education program through its formal schools, noon meal programme in schools, affirmative action for the traditionally excluded and marginalised communities such as the scheduled castes and scheduled tribes through scholarships for, residential schools, hostel facilities and so on. It reaches out to the maximum numbers of children through public institutions set up by the government. Most of these subjects are responsibility of the State governments but being a federalism the Centre too has taken on substantial responsibility in providing funds for several of the programs and schemes.

The access to these services however remains uneven. In

a large country such as ours, there are several regions and areas where children are still struggling hard for their access to basic entitlements resulting in deprivation and exploitation of a majority of children, 46 percent of our country's children below 5 years of age are suffering from malnutrition. Lacking in access to health facilities, clean and safe drinking water and sanitation, there are endemic cases of malaria, diarrhoea, pneumonia, tuberculosis and other infectious diseases. More than 50% of children in the school going age (6-14 years) are out of the school system and engaged in some form of work or the other. A large number of them being girls, children of scheduled caste and scheduled tribe communities, lower castes and Muslims. Being out of schools and in work, many of them are at the risk of joining the migrant labour force. Girls are still under the danger of being married off early, even before they attain their puberty. In the case of regions where large populations get displaced either due to civil unrest, disasters and natural calamities, the vulnerabilities of children increase even more and have taken a heavy toll on their health, nourishment and education. In addition to the trauma and uncertainty they and their families have been subjected to, they have found alternate paths to education by joining the labour force, becoming street children, subjected to substance abuse and drug addiction and in some instances even being forced to join the armed groups.

With increase in inequity and disparities between the wealthiest and the poorest, a growing insecurity, migration and displacement of poor, whether of a seasonal or permanent



nature, neglected environmental imperatives, tensions and conflicts and so on there is a serious impact on children of all age groups and their lives. A comprehensive national child policy keeping in view the new challenges is absolutely necessary.

### Putting children first

This situation of gross violation of children's rights must be ended with a sense of urgency. Every birth has to be seen as a statement of the child's trust in humanity. Every child that is born has to be celebrated embedded in full care and protection. It must evoke the finest of sentiments and normative values. For this to happen there has to be an outrage that something very wrong is happening to our children and that it cannot go on like this. A culture that welcomes and celebrates birth of every child and grieves over the loss of life of an infant and her mother has to develop. There has to be a pervasive atmosphere that embraces a child to get breastfed, have adequate nourishment, safe shelter and protection and pre-school. The anganwadi centres, crèches, and early child care centres are to become visible, owned up by all the rich and the poor with a great sense of pride in the community and by one and all in our country.

Every child must enjoy her right to protection, development and childhood. Being out of schools, we are witness to how millions of children are in the labour force living lives of drudgery and exploitation working in agriculture, mining, construction, fishing, on garbage dumps, brick kilns, as domestic labour in our own homes and

in countless other occupations, mainly in the informal sector. Large numbers of children are trafficked and abused subject to untold suffering and misery. Overwhelmed by the magnitude of the problem at hand, child labour is tolerated and often even justified. If it is understood that child's rights have to be protected no matter what then solutions would emerge. An uncompromising stand on abolishing all forms of child labour with a rights based perspective would pave the way for children enjoying freedom and dignity in our country.

Every child must enjoy her right to education. Poor parents see education as the only redemption from poverty and exclusion and thus are making enormous sacrifices to send their children to schools. However, making children's education a reality until they complete tenth class is a great challenge in our country today. There is no guarantee that a poor child who has joined in class one will continue in school without any disruption leading to discontinuance. The factors that have excluded children from participation in schools have been studied and analysed. The causes have been attributed to poverty of the children and their families and their inability to support their children's education; dependence on child's income by the family; poor quality education in schools; schools being inaccessible. The issue is not in asking the question 'why' children are unable to continue in schools but 'how' to ensure that children are guaranteed their right to education. Provisioning of schools with adequate facilities and abundance of respect for children, must resonate with the voices of the

poor. Special attention must be paid for inclusive education for children with disabilities. This requires a policy and programme with full investments in education without calculating the costs. It requires planning for every child and at all levels of education, primary, elementary and secondary school level simultaneously.

Each one of the issues is to be addressed in all earnestness. With the markets bouncing we must seize the opportunity to firm up our commitment to our children to have their share in this glorious break. The challenges are many but not insurmountable. It needs a wholehearted obligation of the State and a moral voice of each of us giving energy for state functionaries and the system to do its best. Such a wholehearted policy means a universal coverage, making investments in children without calculating the costs and sound institutional care and protection for all children cutting across social and political hierarchies.

There is a need for a shared national platform for the dynamic and unrelenting battle for raising a moral consciousness that holds central the plight of our children as well as helping our children realize their rights in every area – from health, education to protection from violence - with their voices and input as our guiding light. We must see the importance of attainment of children's rights for social transformation and deepening of democracy. With the government putting in all its efforts in enhancing the rights of children the government would actually start a silent revolution. □

(Email : shantha.sinha@nic.in)