CHAPTER-3

AWARENESS AMONG THE MASS PEOPLE ON CHILD RIGHTS

3.1. Introduction:
Children are the future of the nation who can shape the country into a developed country and in this circumstance it is necessary to enact laws in their favour to make them good citizens. In these connections many laws and amendments are passed time to time by the government.

Our constitution provides safeguard for the children. A child is defined as a person in the age group of 0-18 years by the Child Right Convention. As 40 percent of India’s population is below 18 years of age it becomes extremely important to look into the status of these children where the future of the country is dependent on.

3.2. Historical overview of child welfare in India

India’s commitment to the cause of children is as old as its civilisation. It has been a time honoured belief in our culture that the child is a gift of gods. So, they must be nurtured with care and affection within the family and society. Unfortunately, over the years in the pre-independence period, due to socio-economic and cultural changes, the code of child centeredness got replaced by neglect abuse and deprivation, particularly in the poverty afflicted sections of the society. From being advantaged children plummeted into disadvantaged group.

Many social organisation brought many innovative child welfare programs traditionally from ancient days. In the mid twenties’, voluntary organisations such as Indian Red Cross Society, All India Women’s Conference, Kasturba Gandhi National Memorial Trust and Children’s Aid Society organised programmes in the areas of welfare health nutrition and education for children. Balkanji Bari, set up in 1920 was the first children’s organisation with child membership. Several other organisations were set up
around this time but these were on secretarian basis, such as the All India Shia orphanage, the Bai Dosabai Kotwari Parsi Orphanage etc.

The field of child welfare and child development had seen a new era after the independence. Throughout these years adequate provisions were made for care and protection of children in the constitution. There exists an ample provision for the protection, development and welfare of children within the framework of the Indian Constitution. The constitution provides wide range of laws that guarantee children their rights and entitlements. Child rights are fundamental freedoms and the inherent rights of all human beings below the age of 18 years. These rights applied to every child irrespective of child’s parents/ legal guardians, race, colour, sex, creed or other status. Basically, these rights provide safety and security to the children. In 1992, India ratified the United Nations Convention on the rights of child. The charter of child rights (CRC) was built on the principle that “All children are born with fundamental freedoms and all human beings have some inherent rights.” The charter confers the following four basic rights on all children across the world. They are:

- the rights to survival-to life, health, nutrition, name and nationality;
- the rights to development-to education, care, leisure, recreation;
- the right to protection-from exploitation, abuse, neglect and
- the right to participation- to expression, information, thought and religion.

3.2.1. The constitution of India-

The Indian constitution has a framework within which ample provisions exist for the protection, development and welfare of the children. There are wide range of laws that guarantee children their rights and entitlements as provided in the constitution and in the UN Convention.
• **Provision Related To Children in “Constitution of India”**

In the Indian constitution, Article 21A says that The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

**Right against Exploitation**

According to Article no.23, (1) Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Whereas, in protection to child labours, Article no. 24 says that “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment”.

According to Article 39 The State shall, in particular, direct its policy towards securing the following—

(a) All citizens, men and women equally, have the right to an adequate means of livelihood;

(b) it also make sure that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;

(c) the operation of the economic system should not result in the concentration of wealth and means of production to the common detriment;

(d) there should be equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women, and the tender age of
children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; and lastly it says that

(f) children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

- **3.2.2. CENTRAL SOCIAL WELFARE BOARD:**

The Central Social Welfare Board was established in 1953, this was the most significant developments of fifties. It was set up to assist voluntary organisations and mobilizes their support and cooperation in the development of social welfare services, especially for women and children.

- **National Policy for Children:**

The child development programmes are necessary to ensure equal opportunity to these children for which the National Policy for children was founded in the year 1974. It has declared that its children are the nation’s “supremely important asset”. Through this the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties. The National Policy for children include the Declaration of the Rights of the Child, Universal Declaration of Human Rights and its Covenants, the Convention on the Rights of the Child and its two Optional Protocols, the United Nations Convention on the Rights of Persons with Disabilities, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, and the Convention on the elimination of All Forms of Discrimination against Women.
According to the National Policy for Children, 1974, the programmes for children should find prominent place in national plans for the development of human resources, so that when these children grow up, they become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations provided by society. The Policy also laid emphasis on equal opportunities for the development of all children during the period of growth. The undeniable rights of every child are survival, health, nutrition, development, education, protection and participation. These rights are the key priorities of this Policy.

- **National Institute of Public Cooperation and Child Development (NIPCCD)**

  National Institute of Public Cooperation and Child Development, popularly known as NIPCCD, was established in New Delhi in the year 1966 under Societies Registration Act of 1860, it functions under the aegis of the Ministry of Women and Child Development. This is a premier organisation devoted to promotion of voluntary action research, training and documentation in the overall domain of women and child development. In order to cater to the region-specific requirements of the country, the Institute, over a period of time, has established four Regional Centres at Guwahati (1978), Bangalore (1980), Lucknow (1982) and Indore (2001).

  NIPCCD functions as an apex institution for training functionaries of the Integrated Child Development Services (ICDS) programme. As a nodal resource agency, it has also been entrusted with the responsibility of training and capacity building of functionaries at the national and regional level, under the new scheme of Integrated Child Protection Scheme (ICPS). Further it has also been designated, by the Ministry of Women and Child Development, the nodal institution for imparting training on two important issues of Child Rights and Prevention of trafficking of women & children for SAARC countries.
Institute's expertise and performance was recognized by UNICEF in 1985 when it awarded the Maurice Pate Award for its outstanding contribution in the field of Child Development.

- **The Integrated Child Development Services Scheme (ICDS)**

*Integrated Child Development Services (ICDS)*, is a sponsored programme of Government of India. It is the India’s primary social welfare scheme to tackle malnutrition and health problems in children below 6 years of age and their mothers. The children below 6 years of age, pregnant and lactating mothers, and adolescent girls are the main beneficiaries of the programme. The key component of the scheme is to bring girl child at par with the male child through gender promotion.

ICDS was first launched in 1975 in accordance to the National Policy for Children in India. Over the years it has grown into one of the largest integrated family and community welfare schemes in the world. Given its effectiveness over the last few decades, Government of India has committed towards ensuring universal availability of the programme.

In order to achieve its objectives ICDS seeks to provide the following services:

1. Immunization
2. Supplementary nutrition
3. Health checkups
4. Referral services
5. Pre-school non formal education and
6. Nutrition and Health information

Initially in 1975 ICDS was started with 33 blocks, now ICDS is covering 5652 blocks (4533 rural and 360 urban slums). The ICDS was gradually expanded to cover more districts. Finally in the 9th FYP (1997-2002) the government of India has declared its commitment for every child. However, there has been a little corresponding increase in the government allocation and spending on children. The Haque centre for child rights
indicated that there has been a rise of 0.6% (from 0.6% - 1.2%) in the union budget 1998-99. It meant that for every 100 rupees spent, 1.20 rupees were spent on children. The highest percentage spent in any single year was 1.8 in 1997-98, which declined to 1.6 in 1998-99.

➢ Department of Women and Child Welfare (DWCD)

DWCD was established in 1985. It is a nodal agency for formulating policies and programmes, enacting and amending legislations and implementing various interventions for the overall development of women and children. The RCH programme was launched in 1997, these are primarily responsible for the health of children. The main objective of RCH is to provide quality integrated and sustainable primary health care services to the women in the productive age group and young children and special focus on family planning and immunization.

➢ The Child Labour (Prohibition and Regulation) Act

This act was enacted as Act No. 61 of 1986 by parliament in the thirty-seventh year of republic India. It is a social and beneficial legislation. Social legislation is designed to protect the interest of a class of society who because of their economic conditions, deserves such protection.

➢ The National Commission for Children Bill

The National Commission for Children Bill was formulated in 2001 to constitute a National Commission for the better protection of child rights and promoting the best interests of the child for matters connected therewith and incidental thereto, within the larger context of promoting and upholding values to strengthen the family, society and the nation. This bill was considered necessary for the promotion of child rights.
➤ The National Children’s fund

The national children’s fund was instituted by the Government to provide financial assistance to voluntary organisations for undertaking innovative child welfare programmes. The children’s fund (CF) exists to promote multi-agency work in preventive services for the children and young people at risk from social exclusion. This five page national evaluation of Children’s fund (NECF) brief was commissioned in December 2002 as a response to CF”S progress, with the resulting research set to continue until September 2006. The information highlights points of interest pertinent to the different groups engaged with children’s fund, and identifies emerging learning for developing policy and practice. In order to provide financial assistance to voluntary organisations for undertaking innovative child welfare programmes the Government had instituted the National Children’s fund.

➤ The National Commission for Protection of Child Rights (NCPCR)

Under the Commission for Protection of Child Rights Act, 2005, an Act of Parliament (December 2005, the National Commission for Protection of Child Rights (NCPCR) was set up in March 2007. The Mandate of the Commission is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. According to NCPCR, the Child is defined as a person in the 0 to 18 years age group.

The Commission visualises a rights-based perspective flowing into National Policies and Programmes, along with nuanced responses at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, it seeks a deeper penetration to communities and households and expects that the ground experiences gathered at the field are taken into consideration by all the authorities at the higher level. Thus as per the Commission the state has an an indispensable role in sound institution-building processes, respect for decentralization at the local bodies and community level and larger societal concern for children and their well-being.
The National Plan of Action

The National Plan of Action for Children, was established in 2005. It is by far the most comprehensive planning document concerning children. Its value lies on the clearly outlined goals, objectives, and strategies to achieve the objectives. It also recognises the needs of all children up to the age of eighteen. As per the United Nations Convention on rights of a child, it is divided into four basic child right categories they are Child survival, Child development, Child protection and Child participation.

Child Survival firstly refers to child health. The plan outlines goals to reduce children's risk of contracting malaria, TB, and cholera, exposure to HIV/AIDS, and provide them with full immunisation, access to quality health care, water, food and sanitation. The goal is also to reduce the poor health indicators in IMR, CMR and NMR. In order to reduce the poor health among people services need to provide mothers with adequate pre-natal medical attention and nutrition, encourage safe birth practises, encourage breast feeding as essential to having healthy babies, cover all children and women within the reproductive age with necessary immunisations, ensure proper coverage of all families under the ICDS scheme, educate communities about proper infant care, universalise use of oral rehydration solution to prevent dehydration in children, make efforts to detect and treat all diseases such as malaria and Dengue, take steps to prevent mother-child transmission of HIV/AIDS and provide children with the necessary care and medication to fight the infection, etc.

Maternal health is the second aspect of child survival. It is vital to look at the health of the mothers in order to insure the healthy growth and delivery of children. The plan outlines initiatives to improve anaemia in mothers and girls, generate awareness about maternal health practices and child spacing, prevent and treat sexually transmitted diseases and infections, and ensure the health centres are fully equipped to handle the needs of mothers and offer appropriate referrals.

Nutrition is the third aspect of child survival. The plan aims at reaching optimal infant and child nutrition by promoting breast feeding and prohibiting milk substitutes for infants. This is done by conducting constant screening of children to ensure they are not
underweight, empower families with information about child nutrition, provide anganwadi workers with training to address basic child diseases such as diarrhoea, make low cost complementary food products, etc. It is also important to address anaemia and vitamin A deficiency, address macro and micro malnutrition through ICDS, Mid-day Meal, Public distribution systems and such programmes. Lastly a vital aspect to child survival is access to clear water and sanitation. The girl population should be provided with special attention in terms of their access to drinking water, toilets, in rural areas and urban slums. In order to provide enough water for all there is need to begin water conversation practices such as rain water harvesting, reclining and reusing of water.

Child Development begins with early childhood care and education. Further the ICDS should be expanded so that it's available to all, such as development of pre-school centers and creches, promoting community based initiatives, and creating awareness regarding birth registration and good parenting skills. Secondly it also aims at equality and special opportunities for the girl child, survival, development and protection, elimination of sex selection and child marriage, protection against sexual and non-sexual abuse, protection from neglect, break down gender stereotypes and increase access to education facilities. Some of the strategies outlined in the plan for the girl child are advocacy through social, political and religious leaders and well as the government, proper enforcement of laws, support of non-government organizations and initiatives, monitor clinics to ensure that diagnostic tests are not being run illegally, etc.

The next section in child development belongs to the adolescents of age group 13-18. In order to prepare the adolescents into a responsible and aware citizens, the primary concerns with adolescents is child marriage, STDs, higher education curriculum, protection from exploitation, and providing adolescents with rehabilitation and support programmes. This age group especially required support and counselling services. The next sections is devoted to the aspects of development is regarding children with disabilities. The plans aims are reducing the risk of living with a disability by taking preventive measure during pregnancy and right after birth, providing these children with the current facilities that will ensure their mental and physical development, and help children with disabilities the right to participate fully in society. To accomplish this, the
state needs to strengthen programmes like ICDS, help children procure physical aids and learning material, make public building and transportation disabled friendly, etc.

Children's lives like all other human being and who are connected to the environment. In order to safeguard natural resources for our children the plan outlines the need to create recreational spaces for children, prevent toxic and harmful effects on the natural environment, use sustainable forms of production and energy, encourage children's understanding of their own surroundings, and take states to ensure better sanitation and hygiene in communities, etc. Lastly one of the most important aspects of child development is education. The plan discusses the importance of increasing access to public education to children with disabilities, girls, and children living in remote areas, improving infrastructure of schools, improving the quality of education, providing teachers with the correct training, reducing school drop-outs, supporting marginalised groups of society such as SC/STs/OBCs, establish counselling services in school, proving children with healthy mid-day meals,

The chapter on Child Protection discusses six main groups, they are:

i. children in difficult circumstances,
ii. children in conflict with law,
iii. sexual exploitation and child pornography,
iv. child trafficking, combating child labour and
v. Children affected by HIV/AIDS.

Children those who are in difficult circumstances require more protection from exploitation, abuse and neglect. By providing the vulnerable group with the proper facilities and services according to their needs, they can be protected. While keeping the best interest of the child in mind the services should heave reunite families, rehabilitate and reintegrate children into society and then provide for special needs of children with disabilities, homeless children, street children, destitute and orphan children, etc.

Children those who are in conflict with law have rights not to be prosecuted as adults and therefore it is the duty of the government to ensure those rights and provide for the child while he/she is under their care in juvenile homes. This can be done by studying
the crimes children commit and reasons, implementing the provisions under Juvenile Justice Act 2000, ensuring children are involved in their own legal proceedings, etc.

In order to protect the children against sexual exploitation and child pornography, it is required to make the law that persecute abusers, let up centres equipped to deal with victims, create awareness, set up information systems to investigate possible abuse, etc.

Further to protect children from trafficking the government needs to address the root causes of vulnerability, sensitize police, medical facilities and media about the issue, create mechanisms to track, investigate and prevent trafficking, etc. While protecting the child labourers it is first important to understand the number of working children in India through the census survey, strengthen formal school systems, properly implement child labour laws, etc. In case of children affected by HIV/AIDS, they can be protected by preventing mother child transmission of the disease, and provide children who are affected with the correct medicines, proper counselling, and include STDs and sexual education in school curriculum.

Lastly the Child Participation section discusses the need for awareness about child rights, and it is made sure that children are provided with appropriate channels to voice their needs and concerns about their own services. Children have the right to information about themselves and society that concerns them so that they may make informed decisions. This is specially required for children in difficult circumstances. The last section of the plan was outlined the need for proper child budgeting taking into consideration actual population of children, and proper implementation and monitoring of the plan and any programmes that concern children.

Children in India

UNICEF had reported on the state of world’s children under the title “Children under threat” in 2005, where, in the context of Indian scenario, it was stated that millions of Indian Children are equally deprived of their rights to survival, health, nutrition, education and safe drinking water. It was reported that 63 percent of them go to bed hungry and 53 percent suffer from chronic malnutrition. The condition of children in
India is very pathetic and are not on par with developed countries. Many children spend their days in waste dumps, roadside eateries or factories instead of in schools and play fields. In India freedom of children remains fractured and bitterly contested.

➢ Children Protection Issues

Children are tender and therefore they deserve special protection from gender or caste discrimination, disability female infanticide, domestic violence, child sexual abuse, child marriages, child labour, child prostitution, trafficking, sacrifice, corporal punishment in schools, examination pressure and student suicides, natural disaster and HIV/AIDS etc. Besides these children have rights as equal citizens of India, just any other adult male or female. Our constitutional laws protect children from these problems.

Five year plan and child rights

As a part of various five year plans, numerous programmes have been launched by the Government which aim at providing services to children in the areas of health, nutrition and education. Prior to the Five Year Plans the government focus was on the child welfare through the promotion as basic minimum services for children.

The first five year plan (1951-56) had identified health, nutrition and education as major areas of concern with regard to children. In 1953 the Central Social Welfare Board was set up to address the needs of children, women and persons with disabilities. The second five year plan (1956-61) aimed at strengthening the child welfare systems. During this period the welfare projects were extended to become the Coordinated Welfare Extension Projects in 1958 and the Children's Act was passed in 1960. Worldwide the Declaration of the Rights of the Child came into being on the 20th of November 1959. During the third five year plan (1961-66) the child was recognised as a human being with special needs and special efforts were made to coordinate between different sectors to ensure these needs. The Nutrition programmes were set up to fulfil the needs of better
health. And in search for the solutions to the lack of universal education for children, the Kothari Education Commission was set up in India.

Whereas during the fourth five year plan (1969-74), the focus was made on getting basic services to children. As recommended by the Kothari Education Commission two major child policies, The National Education policy in 1968 and the National Policy for Children in 1974 came into existence. During the fourth five year plan, following schemes were established:

I. The Special Nutrition Programme,
II. Balwadi Nutrition Programme and
III. Prophylaxis Scheme against Blindness due to Vitamin A Deficiency among Children.

One of the main agenda of the first five year plan (1974-79) was the shift from child welfare to child development where coordination of services was the main agenda. As a result of all plans so far, a major accomplishment in 1975, was the launching of the Integrated Child Development Scheme. That year also saw the start of the Scheme of Creches/Day Care Centres for Children of Working and Ailing Mothers. Another major achievement was the setting up of the National Children's Fund in 1979.

In the sixth five year plan (1980-85) the needs of the working children were considered for the first time by the planners. Programmes were undertaken to improve the health, nutrition and educational status of working children. With the introduction of the National Health Policy and the formulation of the Indian National Code for Protection and Promotion of Breast Feeding, concerns for the health of the children also took priority in these plan years. The Department of Women and Child Development in the Ministry of Human Resource Development was established during the seventh five year plan (1985-90). In 1986 the Government of India repealed the Children's Act and passed the Juvenile Justice Act instead and updated the National Education Policy. The National Child Labour Project was started in 1987 in the areas that saw a high number of child labourers. At last in 1990 CARA was set up by the government. The duty of CARA was to handle all concerns and issues regarding adoption. During this period, the International convention for child rights by UNCRC was ratified.
During the eighth five year plan India made the convention of child rights a legal document by ratifying it in the year 1992-97. Apart from continued work in areas of day care, education, health, etc, this plan also pays special focus to the needs of the girl child. The National Plan of Action for the Girl Child by the Government in the year 1992. Similar documents and schemes for the girl child were also prepared by few states, for example, Haryana instituted the 'Apni Beti Apna Dhan' Scheme, Tamil Nadu initiated the 'Cradle Scheme', and Rajasthan introduced the 'Raj Lakshmi Scheme'. These efforts were continued to address the plight of the girl child, concentrating on addressing the problem of the declining sex-ratio as well as female foeticide and infanticide, even in the ninth five year plan (1997-2002). While in the field of health the government had introduced the Reproductive and Child Health programme (RCH). Similarly, in the field of education the government launched Sarva Shiksha Abhiyan (SSA) in 2001-02. During the year 2000, the Juvenile Justice (care and protection of children) Act was adopted.

During the last five year plan, the approach has shifted to a right-based one, insuring the survival, development and protection of children in the tenth plan (2002-07). Further in the year 2003, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was amended to address the problems of female foeticide and infanticide. Among the other goals that were set out were that of reduction of Infant Mortality Rate (IMR) to 45 per 1000 live births by 2007 and reduction of Maternal Mortality Rate (MMR) to 2 per 1000 live births by 2007. In order to achieve these goals various existing scheme such as ICDS, universal immunization, Sarva Shiksha Abhiyan, etc were expanded. Among the major accomplishments of the constitutional amendments, was the conversion of education to a fundamental right. Similarly, the National Health Policy was revised to take into consideration more recent health concerns like HIV/AIDS, the amendment of the JJ act, and the adoption of the Goa’s Children’s Act 2003

The eleventh five year plan (2007-12) clearly states that "Development of the child is at the centre of the Eleventh Plan". The plan of MWCD working group report the outlines its work according to the National Plan of Action for Children (NPAC) of 2005. There are four key areas which the plan addresses are given below:
1. Integrated Child Development Scheme
2. Early Childhood Education
3. Girl child and

The plan calls for further expansions of the ICDS services and reiteration of major concerns about infrastructure, training of workers, quality of services, etc. Boost is needed in terms of the Early childhood education with regards to its access, day care services, infrastructure, training, minimum standards and regulatory mechanisms, and revamping curriculum. The plan reiterates the goals set out in NPAC, with regard to girl child. Age specific and setting specific interventions are needed for girls. The need for Child protection programmes and initiatives is recognised by the eleventh plan. The Eleventh five year plan specially addresses the need of those children that have fallen out of the purview of previous interventions and hence fallen on difficult times. Whereas, according to the MWCD report the eleventh plans idea of child protection is very limited and does not cover all commitments of NPAC.

MWCD had recommended an important change which was not included in the previous five year plans i.e. the introduction and adoption of the Integrated Child Protection Scheme (ICPS) in the protection agenda of the XIth Plan.

➢ **Mid-day Meal Programme**

Mid Day Meal in schools has had a long history in India. Mid Day Meal Programme was introduced for the disadvantaged children in Madras Municipal Corporation in the year 1925. By the mid 1980s three States had universalized a cooked Mid Day Meal Programme with their own resources for children studying at the primary stage, they are Gujarat, Kerala and Tamil Nadu and the UT of Pondicherry. The number of States implementing the mid day meal programme with their own resources on a universal or a large scale had increased to twelve states by 1990-91.

In order to enhance the enrollment, retention and attendance and simultaneously to improve the nutritional levels among children, the National Programme of Nutritional
Support to Primary Education (NP-NSPE) was launched as a Centrally Sponsored Scheme on 15th August 1995. It was initially adopted by 2408 blocks in the country. The NP-NSPE was introduced in all blocks of the country by the year 1997-98. It was further extended in 2002 to cover not only children in primary classes I -V of Government, Government aided and local body schools, but also children studying in EGS and AIE centres. The scheme consisted central assistance to provide free supply of food grains i.e. 100 grams per child per school day, and subsidy for transportation of food grains up to a maximum of Rs 50 per quintal.

The scheme was revised in September 2004, to provide cooked mid day meal with 300 calories and 8-12 grams of protein to all children studying in classes I – V in Government and aided schools and EGS/ AIE centres. In addition to free supply of food grains, the revised scheme provided Central Assistance for:

a) Cooking cost i.e. Re 1 per child per school day,

b) Transport subsidy was raised from the earlier maximum of Rs 50 per quintal to Rs. 100 per quintal for special category states, and Rs 75 per quintal for other states,

c) Management, monitoring and evaluation costs i.e. 2% of the cost of food grains, transport subsidy and cooking assistance,

d) Provision of mid day meal during summer vacation in drought affected areas.

The scheme was further revised in July 2006 to provide assistance for cooking cost at the rate of:

a) Rs 1.80 per child/school day for States in the North Eastern Region, provided the NER States contribute Rs 0.20 per child/school day, and

b) Rs 1.50 per child/school day for other States and UTs, provided that these States and UTs contribute Rs 0.50 per child/school day.

The scheme has been further revised in October 2007, to cover children in upper primary (classes VI to VIII) initially in 3479 Educationally Backwards Blocks (EBBs). With the expansion of the scheme, around 1.7 crore upper primary children were
included.rom 2008-09 i.e w.e.f 1st April, 2008, the programme covers all children studying in Government, Local Body and Government-aided primary and upper primary schools and the EGS/AIE centres including Madarsa and Maqtabs supported under Sarba Shiksha Abhiyan of all areas across the country. The calorific value of a mid-day meal at upper primary stage has been fixed at a minimum of 700 calories and 20 grams of protein by providing 150 grams of food grains (rice/wheat) per child/school day.

➢ During the year 2009 the following changes have been made to improve the implementation of the scheme:-

a) To ensure balanced and nutritious diet to children of upper primary group food norms have been revised by increasing the quantity of pulses from 25 to 30 grams, vegetables from 65 to 75 grams and by decreasing the quantity of oil and fat from 10 grams to 7.5 grams.

b) similarly, to facilitate serving meal to eligible children in prescribed quantity and of good quality, cooking cost (excluding the labour and administrative charges) has been revised from Rs.1.68 to to Rs. 2.50 for primary and from Rs. 2.20 to Rs. 3.75 for upper primary children from 1.12.2009. The cooking cost for primary is Rs. 2.69 per child per day and Rs. 4.03 for upper primary children from 1.4.2010. The cooking cost will be revised prior approval of competent authority by 7.5% every financial year from 1.4.2011.

c) The honorarium for cooks and helpers was paid from the labour and other administrative charges of Rs.0.40 per child per day provided under the cooking cost. In many cases due to very less honorarium it became very difficult to engage manpower for cooking the meal. A Separate component for Payment of honorarium of Rs.1000 per month per cook- cum-helper was introduced from 1st Dec’ 2009. At present, honorarium at the above prescribed rate is being paid to cook-cum-helper. However, in some of the states the honorarium to cook-cum-helpers are being paid more than Rs.1000/- through their state fund.
Following norms for engagement of cook-cum-helper have been made:

i. One cook-cum-helper for schools up to 25 students.

ii. Two cooks-cum-helpers for schools with 26 to 100 students.

iii. One additional cook-cum-helper for every addition of upto 100 students.

During the year 2010-11, more than 26 lakhs cook-cum-helper at present are engaged by the State/UTs, for preparation and serving of Mid Day Meal to Children in Elementary Classes.

d) A common unit cost of construction of kitchen shed at Rs.60,000 for the whole country was impractical and also inadequate. Now the cost of construction of kitchen-cum-store will be determined on the basis of plinth area norm and State Schedule of Rates. The Department of School Education and Literacy vide letter No.1-1/2009-Desk (MDM) dated 31.12.2009 had prescribed 20 sq.mt. plinth area for schools having upto 100 children. For every additional up to 100 children additional 4 sq.mt plinth area will be added. States/UTs have the flexibility to modify the Slab of 100 children depending upon the local condition.

e) Due to difficult geographical terrain of the Special category States the transportation cost of Rs.1.25 per quintal was not adequate to meet the actual cost of transportation of foodgrains from the FCI godowns to schools in these States. with effect from 1st December 2009, on the request of the North Eastern States the transportation assistance in the 11 Special Category States (Northern Eastern States, Himachal Pradesh, Jammu & Kashmir and Uttarakhand) have been made at par with the Public Distribution System (PDS) rates prevalent in these States.

f) The payment of cost of food grains to FCI under the existing system, from the Government of India is prone to delays and risk. The payment of cost of food grains to the FCI should be decentralised at the district level from 1st April 2010 will allow officers at State and National levels to focus on detailed monitoring of the Scheme. Around 8.41 crore in Primary and 3.36 crores in Upper Primary children i.e a total of 11.77 crore children were estimated to be benefited from MDM Scheme during 2009-
10. 11.04 Crore children were covered under MDM Scheme during 2009-10. During the year 2010 to 2011, 11.36 Crore children i.e 7.97 Crore children in primary and 3.39 Crore children in upper primary had been covered in 12.63 lakhs institutions. During the year 2011 to 2012 the total coverage of children against enrollment was 10.52 Crore (i.e. Primary-7.71 crore and Upper Primary 3.36 crore children).

Today, Mid day Meal scheme is serving primary and upper primary school children in the entire country.

> **Child adoption policies in India**

At the International level, India has ratified the convention on the Rights of Child and the Hague Convention on inter-country adoption of children. While, at the national level, India has prepared a National Policy for children in 1974 under which Ministry of Social Justice and Empowerment (now known as Ministry of Women and Child Development) has got the mandate to enact laws regarding welfare of children. In this regard, the Juvenile Justice (Care and Protection of Children) Act 2000 is landmark. According to this Act adoption of child is an alternative to institutional care.

In Indian society, adoption provides a very important function. India has long tradition of child adoption. In olden days, it was restricted within the family and was performed by social and religious practices. But with the changing times, adoption beyond the contour of family has been institutionalized and legalized. In order to strengthen adoption rules and facilitate adoption without any hassles, the Government of India under the advice of Supreme Court had constituted a Central Agency- Central Adoption Resource Agency (CARA) to set up guidelines for adoption time to time. It safeguards welfare and rights of children while granting adoption or guardianship under Hindu Adoption and Maintenance Act 1956, Guardians and Wards Act 1890 or Juvenile Justice Act of 2000. It has New Delhi as its base.

The Government of India has notified various adoption policies consistent with Hague Convention, these are given below. In 1990 under the central authority, Central
Adoption Recourse Agency (CARA) was set up as a wing of the ministry of welfare and made an autonomous body in 1999. The important provisions of CARA are as follows:

- Child is declared adoptable (legally Free for Adoption) by the concerned public authority, such as, Child Welfare Committee, etc. (as required under act. 4.a.).
- Priority is given to in-country adoption before a child is proposed for inter country adoption through the VCA’s & State Governments concerned (as required under act. 4.b. & 16.b.)
- All authorities/agencies including CARA apply the principle of ‘Best Interest of the Child’ to an adoption case (as required under act. 4.b. & 16.d.)
- Necessary consents of biological parents, adoptive parents and the older Child are obtained before an adoption is effective.
- Any improper financial or other gain is prevented.

Government has approved many agencies for adoption and they are:

- Indian Placement Agencies-73 (in various states),
- foreign placement agencies enlisted-254 (in foreign countries)
- voluntary coordinating agencies in India -13 (in different states) and
- Scrutiny agencies-13 (in various states).

In case of all inter – country adoption, No Objection Certificate (NOC) from CARA is made mandatory before placement agencies process the application in competent judicial courts.

➢ Child Labour Laws in India

The Child Labour (Prohibition and Regulation) Act (1986), is one the most debated acts regarding children in India. It gives an outline where and how children can work and where they cannot work. The provisions of the act are meant to be acted upon immediately after the publication of the act, except for part III that discusses the conditions in which a child may work. It was decided on 26th of May, 1993 that Part III can only come into effect as per a date appointed by the Central Government.
According to the act “a child is any person who has not completed his fourteenth year of age”. Part II of the act prohibits children from working in any occupation listed in Part A of the Schedule; these are:

- Catering at railway establishments,
- construction work on the railway or anywhere near the tracks,
- plastic factories,
- automobile garages, etc.

The act also prohibits children from working in places where certain processes are being undertaken, as listed in Part B of the Schedule; they are for example:

- beedi making,
- tanning,
- soap manufacture,
- brick kilns and roof tiles units, etc.

These provisions do not apply to a workshop where the occupier is working with the help of his family or in a government recognised or aided school.

The act calls for the establishment of a Child Labour Technical Advisory Committee (CLTAC) who is responsible for advising the government about additions to the Schedule lists.

Part III of the act has outlined the conditions in which children may work in occupations/processes not listed in the schedule. Regarding the number of hours of a particular kind of establishment of class of establishments is concerned, it is to be set and no child can work for more than those many hours in that particular establishment. Children are not permitted to work for more than three hour stretches and must receive an hour break after the three hours. Children are not permitted to work for more than six hour stretches including their break interval and cannot work between the hours of 7 p.m in the night till 8 a.m morning. No child is allowed to work overtime or work in more than one place in a given day. There must be a holiday for the child every week. If a child works in an establishment, then in that case, the employer of the child is
required to send a notification to an inspector about a child working in their establishment and keep a register of all children being employed for inspection.

The inspector can submit the child for a medical exam to determine his/her age when a birth certificate is not available and if any dispute arises regarding the age of the child. Notices about prohibition of certain child labour and penalties should be posted in every railway station, port authority and workshop/establishment.

Regarding the health conditions of work being undertaken by children shall be set for each particular kind of establishment of class of establishments by the appropriate government. The rules may cover topics such as cleanliness, light, disposal of waste and effluents, drinking water, bathrooms, protection of eyes, maintenance and safety of buildings, etc.

Similarly, the section IV of the act outlines various aspects that are remaining such as Penalties. The penalty of allowing a child to work in occupations/ processes outlined in the schedule which are prohibited is a minimum of 3 months prison time and/or a minimum of Rs. 10,000 in fines. Second time offenders are subject to jail time of minimum six months. Failure to notify an inspector, keep a register, post a sign or any other requirement is punishable by simple imprisonment and/or a fine up to Rs. 10,000. Offenders can only be tried in courts higher than a magistrate or metropolitan magistrate of the first class. Courts also have the authority to appoint people to be inspectors under this act.

The rules of this act must be passed by the respective parliaments (state or central). Any changes or added provisions that are to be made must be passed by the parliament. The establishment of this act also calls for a change in a number of other acts. The Employment of Children Act of 1938 is repealed. The enactment of this act changes the definition of child to one who has not completed his fourteenth year of age. Hence under provisions of this act the age of a child is also changed in the Minimum Wages Age 1948, the Plantations Labour Act 1951, the Merchant Shipping Act 1958, and the Motor Transport Workers Act 1961.
Abolition of Child Labour in India

Child labour in India is a violation of human right issue for the whole world. The problem of child labour is a serious and extensive problem not only in India but in the whole world. Therefore, in eleventh five year plan many precautions are undertaken to abolish the child labour in India. During the 86th Amendment to the constitution of India, education has been declared as a fundamental right. This has implications for the fulfilment of the obligation of the state to ensure that every child is in school. It is essential that there is a comprehensive plan to withdraw children from work and mainstream them into schools because most children who do not attend schools are engaged in some form of work or another. In other words the labour department has a crucial role to abolish child labour in all forms and ensure that children enjoy their right to education. Although this is indeed a challenging task, but can be attained with concerted effort and a clear perspective. Despite of various programmes to abolish the child labour, India continues to host the largest number of child labourers in the world today. According to the census 2001, there were 12.7 million economically active children in the age group 5-14 years. At present as per the statistics given by the India government, there are 20 million child labourers in the country, while other agencies claim that it is 50 million.

Laws pertaining to child labour

Many laws were amended to abolish child labour. The following are the laws related to child labour.

- Children (pledging of labour) Act (1933)
- Employment of children Act (1938)
- The Bombay Shop and Establishment Act (1948)
- The Factories Act (1948)
- The Indian Factories Act (1948)
- Plantation Labour Act (1951)
- The Mines Act (1952)
- Merchant Shipping Act (1958)
- The Apprentice Act (1961)
The Motor Transport Workers Act (1961)
• The Atomic Energy Act (1962)
• Bidi and Cigar Workers (condition of employment) Act (1966)
• The Child Labour (prohibition and regulation) Act, (1986)

These laws largely prevent child labour and safeguard from hazardous work.


Child Abuse in India:

Child Abuse in India - A study by the Ministry of Women and Child Development, Government of India

In 2007, the Ministry of Women and Child Development (MWCD) released a study report on child abuse. The report discussed incidences of child abuse nationwide. According to the study of the MWCD the incidences of child abuse are widespread. Mostly the children between the ages of 5-12 are at the highest risk for abuse and exploitation. The study found that 69 percent of children reported to have been physically abused. Out of these 54.68 percent were boys. 52.91 percent of boys and 47.09 percent of girls reported having been abused in their family environment. Of the children who were abused in family situations 88.6 percent were abused by their parents. Every two out of three school children reported facing corporal punishment. In case of juvenile justice institutions 70.21 percent of children in conflict with law and 52.86 percent of children in need of care and protection reported having been physically abused. With regard to child labour 50.2 percent of children work all seven days of the week. 81.16 percent of the girl child labourers work in domestic households, while 84 percent of the boy child labourers worked in tea stalls or kiosks. 65.99 percent of boys and 67.92 percent of girls living on the street reported being physically abused by their family members and other people.

Lastly the study examined emotional abuse and girl child neglect. The study mostly examined two forms of emotional abuse such as humiliation and comparison. Half the children reported facing emotional abuse with 83 percent of that abuse begin conducted
by parents. Girl child neglect was assessed girls comparing themselves to their brothers on factors like attention, food, recreation time, household work, taking care of siblings, etc. 70.57 percent of girls reported having been neglected by family members. 48.4 percent of girls wished they were boys. 27.33 percent of girls reported getting less food then their brothers. Of the young adults (ages 18-24) interviewed, almost half of them reported having been physically or sexually abused as children.

Child abuse in India is often a hidden phenomenon especially when it happens in the home or by family members. Focus with regards to abuse has generally been in the more public domain such as child labour, prostitution, marriage, etc. It is very painful that Intra-family abuse or abuse that takes place in institutions such as schools or government homes has received minimal attention. This may be due to the structure of family in India and the role children have in this structure. Children in India are often highly dependent on their parents and elders; they continue to have submissive and obedient roles towards their parents even after they have moved out of their parental home. This belief that parents and family are the sole caretaker of the child has proved to have negative effects on child protection laws and strategies. Numbers of cases of child abuse in the home are hard to attain because most of these crimes go unreported. Societal abuses that are a result of poverty such as malnutrition, lack of education, poor health, neglect, etc are recognised in various forms by the Indian legal system. But ironically in India there is no law that protects children against abuse in the home. Mal-treatment of care givers has the potential to emotionally and mentally harm children to a very different degree. In the United States, studies in intra-familial child abuse have shown correlation to delinquency, crime, teenage pregnancy, and other psychosocial problems.

➢ HISTORICAL MOVEMENTS IN CHILD RIGHTS

The children’s rights movement is a historical and modern movement committed to the acknowledgement expansion, and/or regression of the rights of children around the world. Gopinathan, P(2012), in his article on “Milestones of child rights with reference
In 1980 a small group of concerned people were founded as the first anti-bonded labour movement in India in which a 15 year old girl and 34 other bonded labourers were rescued for the first time.

In 1981 organisations were started with stone quarry and Brick Kiln Workers for their fundamental human rights i.e. freedom, food, drinking water, shelter, medicare, education and safety for women. Filed public interest litigations in the supreme court.

During 1982, rescue operations were intensively conducted to liberate slave children and adults in 10 different states and new avenues of slavery were exposed.

While the year 1983 witnessed the historic supreme court judgement on bonded labour-thousands freed by the court in one go.

During the year 1984 interventions were initiated in the carpet industry, by liberating trafficked and enslaved children followed by Child labour (prohibition and regulation) Act in 1986, South Asian Coalition on child Servitude (SACCS)- a network of more than 750 CSO through the active participation of child labourers’ of Nepal, Pakistan, and Bangladesh assembled in New Delhi in 1989. In 1991 saw a massive start “Antifirecracker campaign” in 10,000 schools in India, Bihar-Delhi March against child labour in the carpet belt in 1993. In 1994, Bharat yatra (5000 kms from Kanyakumari to Delhi zigzag march against child labour) was launched and celebrated that year as save the childhood year first social labelling on child labour free carpet “Rugmark” launched.

In 1995 there was a South Asia march from Calcutta to Kathmandu, “Anti-child domestic labour campaign” and formation of parliamentary forum on child labour followed by fist ever Bal Sansad (children’s parliament) in India participated by over 10,000 children in 1996, formation of Bal Ashram and Ballika Ashram (1997), Global March against child labour across 103 countries covering 80,000 kms and participated by 7.2 million children, women and men (1998), Cocoa Campaign against child labour in Cocoa fields, first national children’s parliament and first round table in New Delhi on child labour and education in 2003.
In 2005 the second children’s world congress on child labour and education was held in New Delhi. The honourable president of India administered a pledge to the Indian judiciary and legal fraternity for free legal aid to victims of child labour in 2006.

In 2008, India Action Week was conducted where more than 500 child labourers rescued from various parts of India within One week.

The All India Legal Aid Cell on Child Rights formed at Bachpan Bachao Andolan, central office on a direction issued by honourable chief justice of India in 2009.

In 2010, Children’s commonwealth games was held in Delhi. This event has no connection with the formal Commonwealth Games, except using the right time to Highlight Child Rights issues.”

Keeping in view the status of child rights in our country an attempt was made in this part of the study to assess the awareness of the respondents regarding child rights.

3.3. Awareness among the Respondents Regarding Child Rights:

This section deals with the responses of the respondents on the basis of their knowledge on child rights.

Table.3.1. Frequency distribution of respondents on the basis of their knowledge on child rights

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Child Rights</th>
<th>Fully aware</th>
<th>Partially aware</th>
<th>Not aware</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>F</td>
<td>%</td>
<td>F</td>
</tr>
<tr>
<td>1.</td>
<td>Right to survival</td>
<td>11</td>
<td>1.96</td>
<td>538</td>
</tr>
<tr>
<td>2.</td>
<td>Right to have good health</td>
<td>107</td>
<td>19.10</td>
<td>390</td>
</tr>
</tbody>
</table>

N=560
A critical glance at table 3.1 reveals that majority of the respondents were only partially aware of the child rights. They were not fully confident and have detail knowledge about the right of the child. Statistics shows that 97.85 percent were partially aware of the Right to have parental care, leisure and recreation. This was followed by right to survival (96.07), RTE (92.66%), Rights to have nutrition (78.03 %), Right to expression, to have information, to think and to practice religion (73%) and Right to have good health (69.64%). Similarly it was interesting to note that only little more than the half of the respondents (51.02%) was partially aware of the Right to have protection against any type of abuse exploitation or neglect. However it was observed in the study that thirty two percent of the respondents said that they were fully aware of the child’s right to have protection against any type of abuse, exploitation and neglect followed by rights to name and nationality (31.07%), right to have good health (19.10%) and right to nutrition (11.96 %). Thus the finding satisfies the first hypothesis that the knowledge of the mass people of Kamrup Metropolitan District is not satisfactory.
3.4. Awareness among the respondents regarding child rights protection

There are certain factors which ensure protection of child’s rights. The following table shows the frequency distribution of the respondents on the basis of their knowledge on various factors related to child rights protection.

Table 3.2. Frequency distribution of respondents on the basis of their awareness on Child Rights protection

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Awareness on</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>N=560</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>%</td>
<td>F</td>
</tr>
<tr>
<td>1</td>
<td>344</td>
<td>61.4</td>
<td>216</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>1.4</td>
<td>552</td>
</tr>
<tr>
<td>3</td>
<td>171</td>
<td>30.6</td>
<td>389</td>
</tr>
<tr>
<td>4</td>
<td>19</td>
<td>3.4</td>
<td>541</td>
</tr>
<tr>
<td>5</td>
<td>538</td>
<td>96.07</td>
<td>22</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
<td>1.1</td>
<td>554</td>
</tr>
</tbody>
</table>

Source: - Field survey

N= Total no of respondents, f=frequency, %= percentage
The above Table elucidates that 61.4 per cent of the total respondents were aware of the existence of Non government organizations that work for children, but only a small number (1.5 %) were the members of any such organization. 30.6 percent of the respondents read newsletters/ journals on children whereas only 3.4 percent of the respondents subscribe any journal on children. Regarding the awareness of the existence of legal protection for children, a huge majority (96.07 %) showed positive response but only 1.1 percentage of the respondents have filed any complain in favour of child right protection.

3.6. Sources providing knowledge on Child Rights:

Knowledge among the mass people on Child Rights is very important to ensure it in our society and for the well being of our children. This knowledge can be acquired from different sources like from print as well as electronic media, various Non Government Organization, government agencies etc. An attempt was made in this part of the study to find out the source from where they have acquired the education in this regard.

Table 3.3. Frequency distribution of the respondents on the basis of the source of acquiring knowledge on Child Rights.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Source</th>
<th>Knowledge of the respondents on Child Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>1</td>
<td>Through Newspapers/Magazine</td>
<td>260</td>
</tr>
<tr>
<td>2</td>
<td>Through television/radio/internet</td>
<td>323</td>
</tr>
<tr>
<td>3</td>
<td>NGOs</td>
<td>54</td>
</tr>
<tr>
<td>4</td>
<td>Government agencies</td>
<td>253</td>
</tr>
<tr>
<td>5</td>
<td>Friends and relatives</td>
<td>248</td>
</tr>
</tbody>
</table>

(Multiple responses possible)

Source: - Field survey. N= Total no of respondents
It was noticed in this study that respondents acquired knowledge on child rights through various sources. Table 3.3 shows the source through which the respondents acquired knowledge on child rights. It can be observed that majority (57.6%) of them acquired knowledge on child rights from television / radio/internet. This may be due to the interest developed among the women community towards Television programme, listening to radio even while travelling or working at home and the latest interest on internet and social networking which is in the present day easily available even in cell phones. It was followed by 45.5 per cent from newspaper and magazine, 45.2 from government agencies, 44.2 percent through friends and relatives and only 9.7 percent of respondent said that they have received child right’s information through NGOs. This is similar to the findings of Hutson and Liddiard (1994) and Goddard and Saunders (2001).

**Fig.3.1. Frequency distribution of the respondents on the basis of the source of acquiring knowledge on Child Rights**

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television/radio/internet</td>
<td>57.60%</td>
</tr>
<tr>
<td>Newspaper/Magazine</td>
<td>46.50%</td>
</tr>
<tr>
<td>NGOs</td>
<td>45.20%</td>
</tr>
<tr>
<td>Government agencies</td>
<td>44.20%</td>
</tr>
<tr>
<td>Friends and relatives</td>
<td>9.70%</td>
</tr>
</tbody>
</table>
References:


2. Gopinathan, P (2012), Milestones of child rights with reference to India, Child rights in new era, Pointer publisher, p-105-107


11. www.ncper.net.in retrieved on 20/09/2014