When India gained independence in 1947, under the leadership of Jawahar Lal Nehru, India embarked on a programme of planned national development. The preparation of these objectives started a decade earlier when the National Planning Committee was set up in Bombay under the direction of famous economist Prof. K.T. Shah. The wisdom and deep humanism of both Jawahar Lal Nehru and Prof. Shah played a great role in establishing certain perspective in planning long before independence, geared to a socialist equality in a country of tremendous social and economic inequalities and to faster economic growth on planning basis.\footnote{Baig, Tara Ali, ‘Our Children’, (Director Publication Division, Ministry of Information and Broadcasting, New Delhi, 1982), p.334.} India’s five year plans, were, therefore, framed deliberately to try to achieve these objectives. The establishment of the Planning Commission itself has been determining factor in calculated growth perspective of the country. Both in the constitution and the deliberations of the Planning Commission and later of the National Development Council, these basic human needs were recognized. The actual priorities of planning that consequently emerged tended to be geared to physical development rather than development of our human resources. The first five year plan in 1960, was the first to allocate Rs.3 Crores for child welfare as such. But the Ganga Saran Sinha Committee, which did a nation wide survey a few years later on the needs of children, estimated that it would require at least Rs.1200/- crores to undertake even the minimum services.\footnote{Ibid.} Three crores were atleast a beginning to set up
balwadies (pre schools) for children under six, in which new inputs of nutrition immunization and early discipline could be assured.

Within the total framework of development, however, it was clear that the perspective of ‘making a man’ remained absent, plus the unhappy element that expenditure on social welfare services tended to decrease in Central and State Plans. All such figures give a social welfare services as a whole rise of Rs.2454 crore in 1st Plan to Rs.8440 crores by the 3rd plan in the State budgets and Rs.1773 crores to Rs.4740/- crores by the 3rd plan in the Central Plan allocations. This does indicate that although the process has been slow and inadequate, government’s policies have definitely changed in favour of child welfare from 0.05 percent of the total budget by the 4th Plan. But the fact remains, government has made many declarations that children deserve the highest priority, though in years since independence, the vital resources from preparing our man power, the people who will run the country, develop its potential and take it forward to become a great nation, have only received a fraction of the investment from the country budget. In all the trial i.e. plan after plan, one excellent development was the growing recognition of the importance of ‘children’ and the need to recognize the priorities involved in their development which also becomes evident from the following governmental measures taken in this direction. The following study reflects upon the various governmental measures taken so far to promote rights of child, the difficulties or drawbacks present in them and the steps that can be taken to overcome those roadblocks.

The Rights of the child immediately after birth is given under Article 7 of the Convention on the Rights of the Child that is the Child shall be registered immediately after birth and shall have a name and the right to acquire a nationality. The Registration of Births and Death Act, 1969 provides for the

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3 Ibid.
4 Article 7 Convention on the Rights of the Child.
regulation of registration of births in India. It lays down a list of persons who has a duty to give information to the Registrar of Births orally or in writing.

- In respect of births in a house, by the head of the household and in his/her absence the oldest adult male members;
- In respect of birth in a hospital, health centre, maternity or nursing home etc., the medical officer-in-charge;
- In respect of births in a jail, the Jailor in-charge.
- In respect of birth in a hostel, boarding house, lodging house or public place, the person in charge;
- In respect of any newborn child deserted in a public place, the headman of the village or the officer in-charge of the Police Station;
- In respect of births in plantation, the Superintendence of the plantation.
- In case of child born outside India, within 60 days from their arrival in India, the parents should get the birth of the child registered under the Act.

In case if any person fails to give information or issue certificate without any reasonable cause he shall be punishable with a fine which may extend to fifty rupees.

The Act is difficult to enforce. Easy access and facilities for registration is required. The Panchayats and Local Bodies may be utilized to perform the functions of registration. The following areas were identified for action.

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. Section 2(a) The Registration of Births and Deaths Act, 1969.
4. Section 20, Ibid.
5. Section 23, Ibid.
• Awareness generation programme should be undertaken to increase demand for birth registration in the community.
• Accessibility to birth registration to be increased through mobile registration in remote areas.
• A special campaign should be undertaken to remove the backlog of unregistered children.
• Image of the birth registration system should be improved to attract people to register the births of their child. For this customer service should be improved through
  o Reducing delay in registration and issue of certificate.
  o Improving record keeping facilitate information search.
  o Proper sign posting of centres.
  o Improving general format and printing of birth certificate, etc.
  o Issue of directive certificate on payment.
• Employment of technology for Information, Education and Communication campaign to increase awareness archiving of records, record search, issue of certificate and improving accessibility to records by inter-linkage of district-level offices.
• A management system should be developed for supervision monitoring and follow-up action.
• Policy makers and administrators should be educated that birth registration is a statutory responsibility and adequate funds should be provided to carry out this activity.
• In states where vital statistics registration is 90 percent monitoring of development programmes. This would improve the image of the system.
• Seminar/workshops at local, State and National levels should be organized from time to time for exchange of views and experiences and to
maintain a high level of motivation and commitment to birth registration activities.\textsuperscript{10}

- Newspapers advertisements, television sports, radio jingles, posters, stickers and cinema-slides are some of the measures currently being used to sensitize and mobilize public opinion on the need and importance of birth registration.\textsuperscript{11}

### 6.1.1. Immunization and Vaccination Act, 1880

Immunization remains the single most feasible way of ensuring that all children enjoy their rights to survival and good health. In the developing world, immunization saves the lives of 2.5 million children every year. The services of immunization is known as DPT which prevents diphtheria, pertussis (whooping cough) and tetanus, but these three diseases still kill 6,00,000 children and afflict millions of others every year in developing counties. To be fully protected, children must receive three doses of vaccine, administered at the ages of one month, one and a half month and three months. The percentage of children receiving the final dose (DPT3) is, therefore, a revealing and vital gauge of how well countries are providing immunization coverage for their children.\textsuperscript{12}

Immunization also consist, of one dose of BCG, three doses of OPV, and one dose of measles vaccinations to be given infants. This prevents infants and young children from contracting six common vaccine-preventable diseases namely, measles, neonatal acute paralytic poliomyelitis, and childhood tuberculosis. Also, pregnant women are given tetanus toxoid injections.\textsuperscript{13}

The one focal aim of Constitution of India is elimination of poverty, ignorance, and ill health and directs the State to raise the level of nutrition and


\textsuperscript{11} Ibid.

\textsuperscript{12} The Progress of Nations, 2000 UNICEF.

\textsuperscript{13} An update on Measles, Immunization, National Immunization Programme, Government of India.
standard of living of its people and improvement of public health. The provision of health are the services which are the responsibility of the State Governments. The Ministry of Health and Family Welfare at the centre is responsible for policy formulation and allocation of funds for certain health programmes. Health as such is not a fundamental right of citizens and, therefore, it is not justiciable in Courts. The provisions of the health care is contained in the Directive principles of the State Policy and it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health. Article 21 of the Constitution of India deals with 'Right to Life' which is a fundamental right and justiciable in Courts. The Supreme Court has observed that the right to life includes the right to live with human dignity and what goes along with it, namely the bare necessaries of life such as adequate nutrition, clothing and shelter. Further Article 39 (e), 39 (f) and 47 in the Constitution provides that State shall in particular, direct its policy towards securing the health of children and State is directed to raise the level of nutrition and the standard of living to its people and the improvement of public health as among its primary duties. There were several policies dealing with the health issues of citizens but till 1983, India did not have a formal National Health Policy, which developed through the discussions of the Central Council of Health and Family Welfare, the Planning Commission and the Committee constituted by Central Government.

6.1.2. National Health Policy 1983

In its National Health policy, 1983 the government itself committed to attain 'Health for All by the year 2000' through the provision of comprehensive health care services in the following manner.

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Focus on the formulation of integrated and comprehensive approach towards future development of health services.

Policy aimed to thorough overhaul the existing approaches to education and training of medical and health personnel and by re-organization of health infrastructure.

Envisaged the complete integration of all plans for health and human development with overall social-economic development process.

Policy sought to provide universal, comprehensive primary health services relevant to actual needs and priorities of the Community at the cost which people can afford and further ensuring the planning and implementation of health programmes with the involvement and participation of the community and private voluntary organization active in the health sector.

Objective Achieved:

- Note worthy success in recorded in certain fields like Small Pox and Guinea worm diseases have been eradicated, Polio is on the verge of being eradicated.
- Substantial drop in Total Fertility Rate (TFR) and Infant Morality Rate (IMR).

Area of Concern:

- In respect of TB, there is no significant decline in the pool of infection amongst the community.
- HIV/AIDS emerged on the health science since 1983, No therapeutic cure or vaccine for this infection.
- Area of grave concern is the persistent incidence of macro and micro nutrient deficiencies especially among women and children.
6.1.3. National Health Policy, 2002

- National Health Policy, 2002, is an attempt to set out new policy framework accelerated achievement of public health goals in socio-economic circumstances currently prevailing in the country.
- Policy is formulated taking into consideration the ground realities in regard to the availability of resources.
- Priority to school health programmes which aim at preventive health education, providing regular health check-ups. The school health programmes adopt specially designed modules in order to disseminate information relating to ‘health’ and ‘family life’. Expected to be most cost-effective intervention as it improves the level of awareness, not only of extended family, but future generation as well.
- Widely accepted that school and college students are the most impressionable targets for imparting information relating to the basic principles of preventive health care.
- Socio, cultural and economic factors continue to inhibit women from gaining adequate access to even to the existing public health facilities. This has an adverse impact on the health, general well being and development of entire family, particularly children.


The National Population Policy, 2000 (NPP 2000) is a unique initiative which incorporates lessons learned and more forward by replicating success. Efforts made for improving Health standards have been neutralized by the rapid growth of the population. The National Socio-Demographic goals laid by policy are.

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• Prevention and control of communicable disease and bring about convergence in implementation of related social sector programmes so that family welfare becomes a people centred programme.
• Achieve universal immunization of children against all vaccine-preventable disease;
• Policy commits the nation to a reduction of the infant mortality rate to under 30 per 1000 by the year 2010;
• Aims to achieve 80 percent deliveries in institutions and 100 percent deliveries by trained personnel by the year 2010;
• Setting up of National Technical Committee on Child Health with a view to harness professional inputs regarding implementation of programmes for child survival with special focus on new born health.
• Make School education upto the age of 14 free and compulsory and reduce drop outs at primary and secondary schools levels to below 20 percent for both boys and girls.
• Promote delayed marriage for girls not earlier than age 18 and preferably after 20 years of age.
• Projects of crude Birth Rate, Infant Mortality Rate and TFR, if NPP 2000 is fully implemented.19

<table>
<thead>
<tr>
<th>Year</th>
<th>CRUDE Birth Rate</th>
<th>Infant Mortality Rate</th>
<th>Total Fertility Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>27.2</td>
<td>71</td>
<td>3.3</td>
</tr>
<tr>
<td>1998</td>
<td>26.4</td>
<td>72</td>
<td>3.3</td>
</tr>
<tr>
<td>2002</td>
<td>23.0</td>
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<tr>
<td>2010</td>
<td>21.0</td>
<td>30</td>
<td>2.1</td>
</tr>
</tbody>
</table>

19 Ibid.
The policy also lays down that the projects programmes and schemes premised on goals and objectives of the National Population Policy 2000 will be adequately funded in view of their critical importance to national development. Preventive and primitive services such as ante-natal and post-natal care for women, immunization for children and contraception will continue to be subsidized for all those who need the service. Priority in allocation of funds will be given to improving health care infrastructure at the community and primary health centres, sub-centre and village levels. The NPP, 2000, is to be largely implemented and managed at panchayat and levels, in co-ordination with the concerned State/UT administrations.


The achievement of Universal Elementary Education seemed to be distant dream to the country at the time at time of independence. Gandhi’s vision of basic education aimed not merely at the creation of political awareness, but also making education system relevant for the village community to attain self-reliance. The colonial education policy had no relevance for the majority, as it was intended to create an elitist group to support and sustain colonial rule. The colonial, elitist educational practice prevailed in post-independence India despite the efforts of educational thinkers late Rabindranath Tagore, Aurobindo and Mahatama Gandhi who favoured radical restricting of the system as to create a new system which would be holistic and truly of national character. The Government of India appointed a Commission in 1964 to evolve a national system of education and it suggested that education should be related to the needs and aspirations of the people. It also recommended necessary and quantitative improvements on the basis of manpower needs and provision of equal opportunities to all and to make evaluation a continuous process aimed at helping the student to improve his level of achievement rather than certifying the
quality of his performance at a given moment of alone. One of the focused areas of policy was spread of literacy and adult education.20

The first National Policy on Education (1968) emphasized on education of girls and women, adult education and literacy campaigns as additional activities. Many States found these policies difficult to implement due to their inability to tackle gender, caste and communities based disparities in access and problem created by excessively centralized planning and administration. The main features of the policy were:21

- Effort was on equalization of educational opportunities.
- Stress was on development of Regional Language and three languages formula. Every effort was made to promote the development of Hindi.
- Special emphasis need to be laid on the study of English and other foreign languages.
- With a view to accelerate the growth of the national economy, science education and research should receive high priority.
- Special emphasis on the development of education for agriculture and industry.
- Major goal of examination reforms should be to improve the reliability and validity of examinations.


The policy was framed at the initiatives and recommendation of Indian Council for Child Welfare. The Policy lays down that the State shall provide adequate services to the children, both before and after birth and through the period of growth, to ensure their full physical mental and social development. The State shall progressively increase the scope of such services so that within a

reasonable time all children in the country enjoy optimum conditions for their balanced growth. In formulating programmes in different sectors priority shall be given to programmes relating to:22

a) Preventive and promotive aspects of child health;
b) Nutrition for infants and children in the pre-school age along with nutrition for nursing and expectant mother;
c) Maintenance, education and training of orphan and destitute children.
d) Crèches and other facilities for the care of children of working or ailing mothers; and
e) Care, education, training rehabilitation of handicapped children.

It further provides that a National Children Board shall be constituted to provide their focus and to ensure at different levels continuous planning, review and co-ordination of all essential services. Similar board may also be constituted at the State level. At the same time voluntary organizations engaged in the field of child welfare will continue to have opportunity to develop either on their own or with State assistance, in the field of education, health, recreation and social welfare services. It shall be the endeavor of the State to encourage and strengthen voluntary action so that State and voluntary efforts complement each other. To achieve the above aims, the State will provide necessary legislative and administrative support. Facilities for research and training of personnel will be developed to meet the needs of the expanding programmes and to improve the effectiveness of the services. The Government of India trust that the policy enunciated in his statement will receive the support and co-operation of all sections of the people and of organizations working for children. The Government of India also calls upon the citizens, State Governments, Local

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Bodies, educational institutions and voluntary organizations to play their part in the overall effort to attain these objectives.


It was the second policy on education since independence. Its main thrust was on achievement of universal enrolment and universal retention of children up to fourteen years of age by 1995. A holistic view was taken in 1986 when the policy was visualized as a dynamic, emulative, life-long process, providing diversity of learning opportunities to all segments of society. The National Policy on Education, 1986, as well as its programme of Action, consensus laid the following focal issues.

- The policy made a fresh attempt to cope up with the three strands that influenced education policy in India, viz. issues relating to quantity, quality and equity.
- The policy has recognized the importance of early childhood care and education. It also emphasized the need for large scale investment in the development of young child, both through Government and Non-Government organization.
- The Policy clearly recommended that programmes should be ‘child oriented, focused around play and individuality of child.
- The policy also laid down the minimum pre-requisites, the department of pre-school and elementary education developed a document- Minimum Specification for pre-schools. An efforts was made to specify these, keeping view the contextual realities of our country. While the minimum was specified as essentials, the desirables were included to enhance the quality of programme. These specifications were categorized into several

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24 See Supra note 1.
25 Department of Pre-School and elementary education Ministry of human resources development, Government of India.
26 Ibid.
groups – Physical structure and facilities, equipment and material, safety precaution, age of admission and procedure for admission. Staff structure timings, content and methodology and maintenance of record and registers. All this was specified with the object of achieving uniformity all across.27

Following the policy statement in 1986 to achieve universal primary education, a number of national level programmes were launched, for instance, Operation Blackboard was launched in 1987.


- Launched in 1987 and expanded in 1990s as one major programme to improve the quality of schooling at primary stage.
- Provision of at least two teachers, one of them a woman as far as possible.
- Provision of essential-teaching-learning material including black-board, maps, charts, a small laboratory and some equipment for work experience.
- For the construction of buildings, the State Government was expected to utilize resources available under the ongoing rural employment programmes provided by Finance Commission.
- The scheme was planned to be implemented in a phased manner 20 percent of the blocks and municipal areas were to be covered in 1987-88, 30 percent in 1988-89 and 50 percent in 1989-90.
- In 1990 another multi-state programme was launched with the objective of education for all under the banner of the District Primary Education Programme.

27 See Supra note 16, p.345.
• The programme promotes and supports the development of participatory process in planning and management increased gender awareness and enhanced teacher effective programmes.


The Constitution of India, both in Fundamental Rights and the Directive Principles of State Policy, has laid down.29

• Policy for securing health and strength of workers, men and women and the tender age of children are not abused and;30
• Citizens are not forced by economic necessity to enter avocation unsuited to their age or strength.31
• Childhood and youth are to be protected against exploitation and against moral and material abandonment.32
• No child below the age of 14 years shall be employed to work in any factory or mine or engaged to work in any factory or mine or engaged in any other hazardous activities.33

The National Policy for Children, 197434 was developed with the above ideas and set forth a policy framework and measures aimed to provide adequate services to the children. The Committee on Child Labour (Gurupadaswamy Committee) submitted its report in 1979 examined the problem of child labour in detail. The Committee recognized that a distinction has be made between child labour and the exploitation of child labour as, though both are a problem, they are of different orders. It was further suggested that in all future action dealing with child labour the basic aspect would have to be taken note of i.e. that “labour

30 Article 39 (e), The Constitution of India,1950.
31 Ibid.
34 For details see Supra Chapter 6.1.6.
becomes an absolute evil in case of the child when he is required to work beyond his physical capacity, when hours of employment interfere with his education, recreation and rest, when his wages does not commensurate with the quantum of work done, and when the occupations he is engaged endangers his health and safety,” i.e. when he is exploited. The action programme of the policy is an attempt to deal with a situation where children work, or are compelled to work, on a regular or a continuous basis to earn a living for themselves and or for their family, and where their conditions of work result in their severely disadvantaged and exploited, and where abuses connected with such factors impacting on wage employed children need to be given close attention by the State for rectification, amelioration and regulation through specific legal and administrative instrument and measures. The future Action Programme was set out as under:

A) Legislative Action Plan:

- Government also proposes to bring forward legislation to delete the provision contained in the Minimum Wages Act allowing different wages to be fixed for children, adolescents and adults.
• This will also remove the economic incentive to employ child labour on lower wages. For enforcing other protective legislation like Payment of Wages Act, the Equal Remuneration Act, the Payment of Bonus Act, the Payment of Gratuity Act, etc. The Central and State inspection machinery will be geared up for this purpose.

B) Focusing of General Development Programmes for benefiting Child Labour:

• National development programmes exist with very wide coverage in areas of education, health, nutrition, integrated child development and anti-poverty group of programmes.

• In India, to have an impact on child labour it will be necessary to focus these programmes by the implementing agencies under the State Government or the Central Government so as to deliver benefit to child labour.

C) Project Based Plan of Action:

• Specific sectors of employment where incidence of child labour is high like match industries in Sivakasi, Tamil Nadu, Diamond Polishing Industry in Surat, Glass Industry in Ferozabad, Brassware industry, Carpet industry, lock making industry and Slate industry, the child workers involved in the above mentioned sectors of employment, deserve priority attention.

• In the above mentioned 10 projects areas, the strategy will be to evolve a package comprising of elements i.e. enforcement of Child Labour (Prohibition and Regulation) Act 1986, The Factories Act 1948, coverage of families under anti-poverty programmes, Formal/Non-formal Education for a child labour engaged in hazardous activities, setting up of special vocational school for child workers and co-ordinating the activities of
different departments/Ministries of Central Government and State Government.


The National Plan of Action\(^ {35} \) represents India's response to unprecedented opportunities which the nineties decade has ushered in both through technology as well as a global ambience for redeeming India's age-old pledges. This plan of action identifies quantifiable targets in terms of major as well as supporting sectoral goals representing the needs and aspirations of almost over 300 million children of India in the spheres of health nutrition, education and related aspects of social supports.

- Plan briefly analyses the present situation of child in different spheres i.e. health, education, nutrition, basic education, sex ratio.
- In the sphere of health, the plan lays down major goals which include reduction of infant mortality rate, elimination of neonatal tetanus by 1995. Universal immunization, reduction in measles death reduction in diarrhoea incidence.
- To achieve these objectives, it also lays down the list of activities.
- Plan also emphasize on maternal wealth and nutrition. The major goal with this regard was reduction of maternal mortality rate, universal access to primary education for girls and women, reduction in severe and moderate malnutrition, reduction in incidences of low birth weight babies, anaemia in women.
- Plan also covers the problem of safe drinking water and proper sanitation. They also laid down a detailed strategy in this regard.
- Plan also laid stress on education and the major goals was, universal enrollment, retention, minimum level of learning, reduction of disparities

and universalization of effective access of schooling, early childhood education.

- Plan also emphasize on the care of children especially in different circumstances. This include children in following categories: Physically handicapped, mentally handicapped, drug addicts, victims of natural and man-made disasters, refugee children, street children, slum and migrant children, orphans & destitute, children suffering from AIDS, children of prostitutes & child prostitutes and juvenile delinquents and child labour.

- Plan also emphasizes the need for special care of girl child and adolescents girls. To remove the gender bias and to improve the status of girl child in society the plan laid down objectives with equal opportunities for her survival and development to her full potential. The programmes for the adolescent’s girls had also been exhaustively covered in the plan.

But unfortunately, the most important and significant part which was ignored by the plan was with regard to mobilization of adequate financial resources for implementation of the National plan of Action on children.

6.1.11 National Charter for Children, 2003

The Draft National Policy and Charters for children, 2001 was introduced. But in 2003 National Charter for children was framed and it was published in extra-ordinary Gazette of India on 9th February, 2004.36 The Government of India have had for consideration the question of adopting a National Charter of children to reiterate its commitment to cause of the children in order to see that no child remains hungry, illiterate or sick. After the consideration, it was decided to adopt National Charter for children.

Besides the rights enshrined in Part-III and IV of the Constitution of India, it also affirms that the best interest of children must be protected through

combined action of the State, civil society, communities and families in their obligations in fulfilling children's basic needs. The Charter also believes that by respecting the child, society is respecting itself. Underlying this charter is our intent to secure for every child its inherent right to be child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children and to awaken the conscience of the community in the wider societal content to protect children from all forms of abuse, while strengthening the family, society and nation.

The charter is divided in 22 Articles, Article 1 provides that State and Community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children. In particular, it will undertake all appropriate measures to address the problems of infanticide and foeticides, especially of female child and all other emerging manifestations that deprive the girl child of her right to survive with dignity.37

Article 2 lays down the provisions to promote high standards of health and nutrition. The State shall take measures to ensure that all children enjoy the highest attainable standards of health and provides for preventive and curative facilities at all levels. It also lays emphasis on pre-natal and post-natal care for mothers. As per Article 3 the State shall take steps to provide all children from families below poverty line with adequate supplementary nutrition and undertake adequate measures for ensuring access to safe drinking water and environmental sanitation and hygiene.38

Article 4 assures basic minimum needs and security and lays down that State recognize the basic minimum needs of every child must be met, that foster full development of the child's faculties. In order to ensure this State shall in partnership with the community provide social security for children, especially for

37 Ibid.
38 Ibid.
abandoned children and street children Article 5 recognizes the requirement of adequate play and leisure for the healthy development of children and must ensure means to provide recreational facilities and services for children of all ages and social groups.\textsuperscript{39}

Article 6 states that the State shall encourage programmes early childhood care which will stimulate and develop their physical cognitive capacities and provision that State shall in partnership with the community provide a child care centre in every village where infants and children of working mothers are adequately cared and special efforts to provide facilities to SCs/STs and marginalized sections of society.\textsuperscript{40}

Article 7 provides that the State recognizes that all children have access to free and compulsory education. Elementary education shall be made cost free and special incentives to ensure that children from disadvantaged social groups are enrolled retained and participate in schooling. The State shall in partnership with the community ensure that all educational institutions functions efficiently and are able to reach universal enrolment, universal retention, universal participations and universal achievement. The State shall ensure that school discipline and matters related there to do not result in physical, mental, psychological harm or trauma to the child. Article 8 discusses in detail the role of the State to provide protection to children from economic exploitation and from performing tasks that are hazardous to their well being. The State shall also ensure appropriate regulations of conditions of work in occupation and processes where children perform work of a non-hazardous nature and their rights are protected. The object is to move towards total ban of all forms of child labour. All children have a right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds corporal punishment torture, exploitation, violence and degrading treatment. The State shall take legal action

\textsuperscript{39} Ibid.
\textsuperscript{40} Ibid.
against those communities such violations against children even if they are legal guardians. A mechanism shall also be set up for identification reporting referral, investigations and follow up of such acts and further for rehabilitation of child victims and ensure that they are able to recover, physically, socially and psychologically and re-integrate into society. The State shall take strict measures to ensure that children are not used in the conduct of any illegal activity namely, trafficking of narcotic drug and psychotropic substances, begging, prostitution, pornography or violence. The State shall ensure protection of children in distress for their welfare and all around development.  

Article 11 ensures special protection of the girl child. The State and community shall make sure that crimes and atrocities committed against the girl child, including child marriage, discriminatory practices, forcing girls into prostitution and trafficking are speedily eradicated. The State shall take serious measures that the practice of child marriage is speedily abolished. Article 12 lays down that State and community shall take all steps to provide necessary education and skills to adolescent children so as to equip them to become economically productive citizens. Special programmes will be undertaken to improve the health and nutritional status of adolescent girl. Article 13 guarantees equality to the children i.e. all children are treated equally without discrimination on ground of child parents or legal guardian's colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status or any other consideration Article 14 further lays down for providing every opportunity for all round development of their personality including expression of creativity. Article 15 states that every child shall have freedom to seek and receive information and ideas. The State and community shall provide opportunities for the child to access information that will contribute in child’s development. It also stresses to ensure the linguistic needs of the children. Article 16 says that children shall enjoy freedom of association and

\[41\] Ibid.
peaceful assembly subject to reasonable restriction and in conformity with social and family values.\textsuperscript{42}

Article 17 deals with right of a child to have a family. In case of separation the State shall ensure priority to re-unifying the child with the parents. If State perceives adverse impact of such re-unification it shall make alternative arrangements. The State shall also take measures that children without families are either placed for adoption, preferably inter country adoption or foster care or any other family. The State shall ensure appropriate rules with respect to the implementation of such services are drafted in a manner that are in the best interest of the child and that regulatory bodies are set up to ensure the strict enforcement of these rules. Article 18 provides that State recognizes the common responsibility of both parents on rearing their children. Article 19 recognizes the task of the State and Community with respect to help all children with disabilities so that they can lead a full life with dignity and respect. All children with disabilities are encouraged to be integrated into the mainstream of the society and actively participate in all walks of life. The State and community shall also provide for their education training, health care, rehabilitation, recreation in a manner that will contribute to overall growth and development. The State shall encourage research and development in the field of prevention, treatment and rehabilitation of various forms of disabilities Articles 20 and 21 recognize the State’s liability for care, protection, welfare of marginalized and disadvantaged communities. Article 22 ensures child friendly procedures i.e. all matters and procedures relating to children, viz. judicial, administrative, educational or social should be child friendly. All procedures laid down under juvenile justice system for children in conflict with law and for children in need of special care and protection shall also be child friendly.\textsuperscript{43}

\textsuperscript{42} Ibid.
\textsuperscript{43} Ibid.
The copy of the resolution is communicated to the Cabinet Secretariat, the Prime Minister’s Office, and all the Ministries/Departments of the Government and the Government/Administrations of the Union Territories.44


The action to prepare National Plan for Children, subsequent to the National Plan of Action for children 1992, was initiated in the year 2002 by inviting comments and inputs from all concerned Ministries, Departments at the Centre level from the State Governments and UT Administrations. An advertisement was also published in the newspaper to invite comments from the public as well. The National Plan of Action for children 2005 commits itself to ensure all rights to all children up to the age of 18 years. This calls for collective commitment and action by all sectors and levels of government and partnership with families, communities, voluntary sector and children themselves. India’s commitment to children is clearly manifested in its Constitution, and the Policy of 1974, stands as the basis of several national policies and programmes initiated in the last few decades to address the varied needs of children. UN convention on the Rights of the Child shall be guiding principle for implementing all rights for all children up to age of 18 years. The National Plan of Action for Children, 2005 will be implemented throughout the country through national measures and through State plans of Action for Children. In recognition of the fact that 41% of India’s population is below 18 constituting a significant national assets, the plan re-affirms the nation’s commitment wisely, effectively, and efficiently invest its national resources to fulfill its commitment to children. The National Plan of Action for children, 2005 is divided into following four Sections:

44 Ibid.

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Guiding Principles of National Plan of Action, 2005 are:

a) To regard child as an asset and a person with human rights.

b) To address issues of discriminations emanating from biases of gender, class, caste, race, religion and legal status in order to ensure equality.

c) To accord utmost priority to the most disadvantaged, poorest of the poor and least served child in all policy and programmatic interventions.

d) To recognize the diverse stages and settings of childhood and address the needs of each, providing to all children the entitlements that fulfill their rights and meet their needs in each situations.

I Child health: The Goals lay down in the plan are.46

- To reduce infant mortality rate to below 30 per 1000 live births by 2010.
- To reduce child mortality rate to below 31 per 1000 live birth by 2010.
- To reduce neonatal mortality rate to below 18 per 1000 live births by 2010.

46 Ibid.
• To explore possibilities of covering all children with plan for health insurance.
• To reduce Maternal Mortality Rate to below 100 per 100,000 live births by 2010.
• To prevent and progressively eliminate child marriage and under age child bearing by enforcing the Child Marriage (Restraint) Act.
• To eliminate child malnutrition as a national priority.
• To reduce five malnutrition and low birth weights by half by 2010.
• To ensure adequate neonatal and infant nutrition.
• To reduce moderate and severe malnutrition among preschool children by half.
• To reduce chronic under nutrition and stunted growth in children.
• To effectively implement the Infant Milk Substitutes, feeding bottles and infant foods (Regulation of Production, Supply and Distribution) Act, 1992 as amended in 2003.
• Universal equitable access to and use of safe drinking water and improved access to sanitary means of excreta disposal by 2010.
• All households to have sustained access to potable drinking water by 2012, to be undertaken in a phased manner with annual targets.
• 100% of rural population to have access to basic sanitation by 2012.
• To cover 100% urban population with safe drinking water facilities as per norms and standards on a sustainable basis by 2010.
• To cover 100% urban population with low cost sanitation and safe water disposal facilities by 2010 and build an enabling environment for sanitation and hygiene that promotes prevention of pollution of all fresh water bodies.

The health of child has been taken by the government as a serious issue under different policies i.e. National Population Policy, 2000 and National Health Policy, 2002. These policies also targeted to decrease Infant Nationality Rate and Total Fertility Rate.
II Child Development: The Goals lays down under this head are.\textsuperscript{47}

- To universalize early childhood services to ensure children’s physical, social, emotional cognitive development.
- To ensure that care, protection and development opportunities are available to all children below 3 years.
- To ensure integrated care and development and pre-school learning opportunities for all children aged 3 to 6 years.
- To provide day-care and crèche facilities to parents in rural and urban areas.
- Assurance of equality status for girl child as an individual and a citizen in her own right through promotion of special opportunities for her growth and development.
- To ensure survival, development and protection of girl child and to create an environment wherein she lives a life of dignity with full opportunity for choice and development.
- To stop sex selection and female foeticide and infanticide.
- To ensure the girl child’s security and protect her from abuse, exploitation, victimization and all other forms of violence.
- To protect the girl child from deprivation and neglect and to ensure the girl child equal share of care and resources in the home and the community and equal access to services.
- To take measures to protect girl children from any treatment which undermines their self esteem and causes their enclose on from social mainstream and also to break down persistent gender stereotype.
- To ensure equal opportunity for free and compulsory elementary education to all girls.

\textsuperscript{47} Ibid.
• To ensure full opportunities to all adolescents girls and boys in the age group of 13 to 18 years to realize their rights and develop their full potential as human beings.

• To provide the adolescents with education and development opportunities so that they can participate in the life and progress of community as productive citizens.

• To eliminate child marriages by 2010.

• To ensure right to survival, care, protection and security for all children with disability.

• To ensure the right to development with dignity and equality creating an enabling environment where children can exercise their rights, enjoy equal opportunities and full participation in accordance with the UN Convention on the Rights of the Child, and other laws dealing with Child Rights in India.

• To ensure inclusion and effective access to education, health, vocational training along with specialized rehabilitation services to children.

• To eliminate disability due to poliomyelitis by 2007.

• To conserve and protect the natural environment and safeguard natural resources, for the good and well being of all children.

• To ensure children’s survival, health and food security through conservation and safe use.

• To create and uphold a safe, supportive and protective environment for all children within and outside the home.

• To prevent children from getting into conflict with law.

• To recognize, promote and protect the rights of children in conflict with law through preventive, protective, reformative and rehabilitative policies, laws, plans, strategies, programmes and interventions.

• To protect all children, both girls and boys from all forms of sexual abuse and exploitation.

• To prevent use of children for all forms of sexual exploitation including child pornography.
IV Mobilizing Resources, Implementation of the Plan and Monitoring:

The National Plan of Action, 2005 commits the allocation of required financial, material, technical and human resources from the Central and the State Government to ensure its full implementation, investing in children lays the foundation for a just society, a strong economy and a world free from poverty.49

- To secure financial, material, technical and human resources from all international organization civil society, private sector and non-governmental organization will be involved to ensure the rights and well being of all Indian children.
- The primary responsibility for the implementation of this National Plan of Action for children 2005 and for ensuring on enabling environment for securing the rights and well-being of children rests with the Central, State and local Governments.
- Ensure inter-sectoral coordination and convergence of all departments, Ministries and programmes affecting children.
- Ensure that efforts are made by Government agencies for creating awareness and multimedia publicity through mass-communication in the print and electronic media, for promoting Child Rights.
- The National Plan of Action, 2005 shall be monitored by the National Coordination Group created for implementation and monitoring of the convention on the Rights of Child.
- The Department of Women and Child Department shall create suitable mechanisms to ensure this by establishing:
  a) National Commission for the protection of Child Rights including the setting up of State Commissions.
  b) Central Nodal Authority for combating trafficking for commercial sexual exploitation, including the setting up of the State Authorities.

49 Ibid.
Creations of other need based mechanisms for child protection as and when required.

- This plan will be regularly monitored at the National, State and District levels to assess progress towards the goals and targets. A comprehensive system would be developed and operated to collect and analyze disaggregated data on children, based on age, gender, cultural and socio-economic grouping.
- Efforts will be made to strengthen the existing data collection mechanisms so that quality data on various measurable development is generated.
- Periodic and annual reviews will be conducted at the national and state level in order to more effectively address the obstacles and accelerate progress on the NPA goals.
- Appropriate mechanisms for effective monitoring and evaluation will be set up at the national, state, district block and village level for reporting and periodic review of the targets.


An Act50 to provide for the Constitution of National Commission and State Commission for Protection of Child Rights and Children’s Court for better protection of Child Rights and for matters connected therewith or incidental there to. India acceded to the Convention on the Rights of Child on the 11th December, 1992 and UN General Assembly Special Session on children held in May, 2002 adopted on outcome document titled “A world fit for children” containing the goals, objectives, strategies and activities to be undertaken by the member countries for the current decade. The Act may be called the Commissions for Protection of Child Rights Act, 2005.

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- Central Government shall by notification constitute a body known as National Commission for Protection of Child Rights.
- Commission shall consist of:
  a) Chairperson who is a person of eminence and has done outstanding work for promoting welfare of children.
  b) Six members from each of following fields.
     i) Education.
     ii) Child Health, Care, Welfare or Child Development.
     iii) Juvenile justice or care of neglected or marginalized children or children with disabilities.
     iv) Elimination of Child Labour or children in distress.
     v) Child physiology or sociology; and
     vi) Law relating to children.
- Office of Commission shall be at Delhi.
- Appointment of the members shall be on the recommendation of a three member Selection Committee by Central Government under the Chairmanship of Minister incharge of the Ministry of Human Resource Development.

51 Section 1 The Commission for Protection of Child Rights, 2005.
52 Section 2(b), Ibid.
53 Section 3 (1), Ibid.
54 Section 3 (2), Ibid.
55 Section 3 (3), Ibid.
56 Section 4, Ibid.
- Term of office is three years.\(^{57}\)
- Commission shall meet at least once in every six months.\(^{58}\)
- Functions of the Commission are:\(^{59}\)
  a) Examine and review the safeguards provided by or under any law for the time being in force for the protection of \textit{Child Rights} and recommend measures for their effective implementation;
  b) Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
  c) Inquire into violation of \textit{Child Rights} and recommend initiation of proceedings in such cases;
  d) Examine all factors that inhibit the enjoyment of rights of children effected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture, exploitation, pornography and prostitution and recommend appropriate remedial measures;
  e) Look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
  f) Study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on \textit{Child Rights} and make recommendations for their effective implementation in the best interest of children;
  g) Undertake and promote research in the field of \textit{Child Rights};
  h) Spread \textit{Child Rights} literacy among various sections of the society and promote awareness of the safeguards available for protection

\(^{57}\) Section 5, ibid.
\(^{58}\) Section 10, ibid.
\(^{59}\) Section 13, ibid.
of these rights through publications, the media, seminars and other available means;

i) Inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;

j) Inquire into complaints and take suo motu notice of matters relating to:

   a) Deprivation of Child Rights.
   b) Non-implementation of laws providing for protection and development of children.
   c) Non-compliance of policy decisions, guidelines, instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues raising out of such matters with appropriate measures; and to provide relief to such children;

k) Such other functions as it may consider necessary for the promotion of Child Rights and any other matter incidental to the above functions.

• The Commission may take any of the following steps upon the completion of an inquiry held under this Act namely:60

   i) Where the inquiry discloses, the Commission of violation of Child Rights of a serious nature or contravention of provisions of any law

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60 Section 15, ibid.
for the time being in force, it may recommend proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

ii) Approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court cannot may deem necessary;

iii) Recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary;

- The Commission shall submits an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which is of such urgency or importance that it cannot be deferred.61

- A State Government may constitute a Body at a State level for the protection of Child Rights.62 Its composition is on the same pattern as provided for Chairperson and members of the National Commission under Section 3(1) of the Act.63

- The Chairperson shall be appointed on the recommendation of a three-member Selection Committee constituted by the State Government under the Chairmanship of Minister-incharge of the Department dealing with children.64

- The powers and functions of the State Commission is similar to the National Commission.65

- For the purposes of providing speedy trial of offences against children violation of Child Rights, the State Government may with concurrence of

61 Section 16(i) Ibid.
62 Section 17(i) Ibid.
63 Section 17(2) Ibid.
64 Section 18, ibid.
65 Section 24, ibid.
the Chief Justice of the High Court, specifies at least a Court in the State or for each district a Court of Session to be a Children's Court.66

- State Government shall also appoint a Public Prosecutor or an Advocate who has been in practice as an Advocate for not less than seven years as a Special Public Prosecutor for the purpose of conducting cases in that case.67

In nutshell, the Commitments undertaken by India under CRC requires a review and revision of all laws pertaining to children. Various processes in these lines have been initiated since the time the Government of India acceded to the Convention. With this background only the Ministry of Information and Broadcasting amended the Cable Television Networks Rules, 1994. This amendment categorizes certain broadcasts as not suitable for "unrestricted public exhibition" and prohibits the broadcast of any advertisement that promote directly or indirectly the production, sale or consumption of:

   a) Cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;
   b) Infant milk substitutes, feeding bottles, or infant foods.

Another positive step in this direction is taken by the Government of Delhi when it amended Section 8 and 9 of Delhi Anti-Smoking and Non Smokers Health Protection Act, 1996, in January 2001. In this amendment selling to cigarettes and other tobacco based products to a person below the age of 18 years is illegal. Storing, selling and distributing cigarettes or other tobacco based products within 100 metres of Schools, Colleges and educated institution are illegal. Any violation of this law could lead to a fine upto Rs.500 for the first offence and Rs.1000 for the second offence with imprisonment upto three

66 Section 25, ibid.
67 Section 26, ibid.
months.68 Another measure with regard to Child Rights is quashing of Rule 37 of Delhi School Education Rules, 1973 by Delhi High Court in December 2000.69 Rule 37 of Delhi School Education Rules, 1973 provides for corporal punishment in case of persisting impertinence or rude behaviour of physical violence by the students. The Court staunchly upheld the child’s rights to life and referred to the provision provided to this effect in the Constitution, the National Policy on Education and Convention on Child Rights. In addition to these steps, the Government is considering amendments to the existing Acts and also new legislation to protect the best interests of the Child. But above all, monitoring is a very important aspect of all programmes taken up and other initiative towards protection of Child Rights. Unless and until all the programmes are regularly monitored by Departments implementing them the success of the programmes is doubtful.

6.2. ROLE OF NON-GOVERNMENTAL ORGANIZATIONS IN PROMOTING THE RIGHTS OF THE CHILD

World Bank defines NGOs as “Private Organisations that pursue activities to relieve suffering, promote the interest of the poor, protect the environment, provide basic social service or undertake community development.”70 A world Bank Key Document, working with NGOs adds “In wider usage the term NGO can be applied to any non-profit organization which is independent from government. NGOs are typically value-based organizations which depend, in whole or in part, on charitable donations and voluntary service. Although the NGO sector has become increasingly professionalized over the last two decades, principles of altruism and voluntarism remain key defining characteristics.”71

Non-governmental organizations (NGOs) are not government contractors, nor substitute for government, nor competitors of governmental action. NGOs are important partners and collaborators of government for helping the government in implementing the social and welfare policies.72

The question is that if government does not have an outreach to those areas and the cross sections of humanity who work and live there, to what degree can NGOs supplement and complement governmental action in establishing an outreach, and acting as a bridge between these areas and the government, ventilating their grievances and seeks timely redress. There are a number of NGOs based in such remote interior, inaccessible pockets who have worked tirelessly to establish an outreach to these cross-sections of humanity and communication between them and government.73 Many of them have a core team of dedicated workers, who work in a very inhospitable environment with all its attendants' discomforts with a rare spirit of missionary zeal and dedication.74

We need to bring such NGOs to the fore, encourage and support them as partners and collaborator of government rather than adversaries. We need to convince them that they and government need to think together, plan together and act together so that the right type of development messages can be designed and a suitable conduit for transmission can be identified to enable the government and the people to mutually communicate their immediate problems and concerns.

73 Ibid.
74 See Supra note 70.
There are different forms of NGOs working in different fields which can be basically classified as.\textsuperscript{75}

- **Advocacy**
  These NGOs basically work on advocacy or campaigning on issues or causes. As a focus, they do not implement programmes. e.g. PETA works on advocating the cause of Ethical Treatment of Animals. It is not an animal shelter, which many expect.

- **Consultancy / Research Organizations**
  These NGOs work on Social and Developmental Research & Consultancy

- **Training / Capacity Building Organizations**
  In the NGO Sector, training is usually called as Capacity Building. Some NGOs only work on Capacity Building of the other NGOs

- **Networking Organizations**
  These NGOs provide vital network opportunities for NGOs in a specific field
e.g. Association of Voluntary Agencies for Rural Development (AVARD) works on networking of NGOs working in the field of Rural Development

- **Mother NGOs**
  These NGOs are recipients as well as givers
e.g. large NGOs like CRY, Concern India receive funds as well as disburse funds. They have a work focus, but instead of implementing projects, they identify projects and monitor, evaluate and build capacities of participating NGOs

- **Grass root Organizations**
  These NGOs work directly with the community
e.g. Apnalaya works with the underprivileged in the slums of Govandi

\textsuperscript{75} See \textit{Supra} note 72.
directly. Traditionally one can look at all Mahila Mandals fall in this category.

- **City Based Organizations**
  These NGOs restrict their focus to cities
  e.g. AGNI focusses its work in Mumbai City

- **National Organizations**
  These NGOs have national presence. In India, very few NGOs are national level.
  e.g. CRY, Pratham, Concern India

- **International Organizations**
  These are part of an international NGOs
  e.g. CARE India is an integral part of CARE’s global operations. Like mother NGOs, these NGOs receive and disburse grants

- **Self Help Groups**
  They are not typically terms as NGOs. These are formed by beneficiary communities, typically women who come together in a group of 10 plus.
  India is witnessing a great movement of SHGs presently and these women are transforming the Rural Andhra Pradesh and Rural Tamil Nadu

- **Religious NGOs**
  Large percentage of NGO Funding goes to religious based Organizations.
  e.g. Siddhivinayak Trust in Mumbai

Some NGOs are based in urban and semi-urban centres and some in rural areas. Regardless of their location, their contribution in the task of eliminating child labour would depend on their degree of commitment and overall understanding of the totality of the requirements of the children involved in terms of education, health, hygiene, sanitation, nutrition and the like. The NGOs have
developed several strategies based on Child Rights perspective to intervene on behalf of children and protect their rights. Some of the interventions have been in the following kinds of activities:\textsuperscript{76}

- Research and documentation.
- Advocacy of all levels to bring about structural and policy changes.
- Preparing alternative report on status of Child Rights.
- Promoting networking and co-ordination among NGOs to jointly advocate on issues which affects the rights of the child.
- Awareness Building.
- Mobilization of public opinion.
- Intervening in special cases of violation.
- Providing a platform for expression of children’s concern.
- Direct action like raids and liberation of children in servitude.
- Capacity building (building in the necessary skills, structures, attitudes and knowledge) required to work better.
- Lobbying with the Government to review the existing schemes towards being more child-oriented.
- Running field action projects to reach out to children.
- Direct work with children and their communities.

Several international organizations like UNICEF (United Nations Children’s Fund), UNDP (United Nations Development Programme), UNIFCM (United Nations Development Fund for Women), WHO (World Health Organisation), ILO (International Labour Organisation), FAO (Food and Agricultural Organisation), UNESCO (United Nations Educational Scientific and Cultural Organization), UNFPA (United Nationals Fund for Population Activities), CARE (Cooperative for Assistance and Relief Every Where) save the children, Canada, and IBRD (International Bank for Reconstruction and Development) are actively involved in the development and protection of Child Rights. Some other

\textsuperscript{76} See Supra note 16.
important agencies, including Human Rights Watch, Defence for Children International (CDI), International Society for the Prevention of Child Abuse and Neglect (ISP CAN), End Child Prostitution in Asian Tourism (ECPAT), Works towards promoting the rights of the Child.\textsuperscript{77}

There is an estimate that around 1.5 million NGOs are working in India out of which 55,000 are registered in Mumbai only.\textsuperscript{78} The provisions of the Foreign Contribution (Regulation) Act, 1976 regulate the receipt of foreign contribution in the country. The Foreign Contribution (Regulation) Rules, 1976 contain the various forms prescribed for this purpose. Foreign contribution means the donation, delivery or transfer, made by any foreign source of any,\textsuperscript{79}

\begin{itemize}
  \item[a)] article, not given to a person as a gift, for personal use, if the market value, in India, of such article exceeds one thousand rupees;
  \item[b)] currency, whether Indian or foreign;
  \item[c)] foreign security as defined in clause 2(l) of the Foreign Exchange Regulation Act, 1973.
\end{itemize}

The functioning of some of the important is discussed below:-

**Don Bosco Ashalayam:** Started working in Howrah, West Bengal, in 1985 with street and destitute children. Today, at present they are having 17 homes sheltering children from 5 to 18 years. Don Bosco creates a family centre where children are provided schooling or skills training in a home atmosphere. There is a savings account in the main home where children are taught how to save and trade. In the morning there is a craft session and at the end of the month remuneration is given whatever they have produced. A part of the money they receive goes into their personal saving account, and the rest is for their personal

\begin{footnotes}
\textsuperscript{77} Ibid.
\textsuperscript{78} <http://www.indianos.com> accessed on 21\textsuperscript{st} March, 2006.
\textsuperscript{79} Ibid.
\end{footnotes}
expense. The Ashalayam had earlier worked with UNESCO on a 2 years project entitled “Import of education in improving the quality of life of disadvantaged urban groups in Calcutta and Howrah”. Now, a new project entitled “Education for a social change” has been launched to provide street and working children with quality education and vocational training. The project integrates street and working children into formed schools and training centres, train them to handle computers; inform them on sex education and HIV/AIDS; involves the communities in educational activities.80

‘Butterflies’81 an NGO in Delhi, has been working with street and working children in Delhi since January, 1988. It has eight points to connect with children in areas where there is concentration of street and working children. Most of the children are migrants to Delhi and are self employed and are working as porters and shoe polishers, rag-pickers and vendors or engaged in road side restaurant, workshops, garages and small-scale industries. Butterflies has a team of street education who play an important role in initiating contact with street children, through regular visits to their places of work and abode. They make it a point to spend time with children and occasionally organize recreational and group activities in order to overcome their initial fear and mistrust and develop a trusting relation based on equality and respect. Once the relationship is established between the children, in the next step, they involve them in an activity that they help to design and develop. Experience has shown that unless a relationship is built, it is difficult to motivate the children to come together or collective action, to continue their education, or to discuss drug and gambling problems. Children participate in planning most of their activities. Nothing is given free. Children honor their commitments and participate in the planned activity with a feeling that it is their programme and therefore they have to make it a success.82

82 See Supra note 80, p. 355
Prayas Juvenile Aid Centre in Delhi started off by working with the street children and neglected children, to rehabilitate them and reduce the incidence of vagrancy and delinquency among them. It now provides specially designed non-formal education for these children; vocational training and child empowerment programmes; indoor and outdoor health care including a nursing home; mid-day meals for those who attend the non-formal education sessions regularly; family and community interventions; a shelter for homeless children. It is the first NGO to run juvenile home in Delhi. Through experience, Prayas has come to believe that “the basic needs of the child are synonymous with the basic rights.” Deeply rooted in the slum-clusters, Prayas has emerged as a replicable model organization in the country and at the international level. From 25 children in 1988, it now serves over 3000 children in the slums in Delhi. It is now creating a National Institute of Neglected Child and Juvenile Justice in Delhi. In the last nine years, over 10,000 children has been drawn from rag picking and other occupations and placed in formal schools. Through its health unit, it reaches out to the thousand of street and working children; many have been provided vocational training and an occupational shift.

CINI ASHA (Child in Need Institute), a Calcutta-based NGO, was born in response to the cry of the poor children living in degrading conditions. Its aim is to educate street children, child labourers and children of sex workers between the ages of 4 and 20 and place them in the formal schools. CINI ASHA in partnership with the UNESCO have been working to meet the needs of these children in areas most crucial to their survival, growth and development. In the first phase, facilities such as Drop-in-

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84 [see Supra note 80, p.355](http://www.unescodelhi.nic.in/vsunescodelhi/edu.htm#street) accessed on 25th March, 2006.
85 [UNESCO - the United Nations Educational, Scientific and Cultural Organization (UNESCO) was founded on 16 November 1945. For this specialized United Nations agency, it is not enough to build classrooms in devastated countries or to publish scientific breakthroughs. Education, Social and Natural Science, Culture and Communication are the means to a far more ambitious goal - to build peace in the minds of men.](http://portal.unesco.org/en/ev.php-URL_ID=3328&URL_DO=DO_TOPIC &URL_SECTION=201.html) accessed on 26th March, 2006.
Centre, Night Shelters, Short stay residential homes, clinic sick bay, HIV/AIDS prevention programme for street children, preparatory Centres and coaching centres for child labourers and evening centres for the children of sex workers have been provided. The second phase was launched in 2000. Under, this all children in the project area are to be enrolled and retained in formal schools. Special focus is being placed on the sustainability of the programme. The local community, therefore, is involved in the overall project. So are the Calcutta Municipal Corporation Ward Councilors. Formal school teachers are being trained/oriented to gradually take up the activities carried out by CINI ASHA. The chief result of this programme is as follows: establishment of staff training sessions on teaching methodology, child psychology, Child Rights, counseling skills and communication skills; vocational training courses and weekly theatres.87

The NGO Forum for Street children and Working Children, established in 13 cities, with more than 60 organisation working with street children, has played an important role in awareness building and empowerment of street children. The primary objectives of this group are to promote networking and co-ordination among NGOs, groups and individuals concerned with street children and to initiate and promote a common programme of action in the areas of health care, education, awareness-building, etc.88

South Asian Coalition of Child Servitude (SACCS) launched The Bacphan Bachao Andolan during Uttar Pradesh Legislative Assembly Election in 1993. It emerged as a strategy by the Delhi based NGO, to inject the issue of child labour into the electoral campaign. This group organizes direct action like raids and freeing the children from bondage; mobilizing public opinion on the issue and building pressure groups for an effective implementation of child labour laws and rehabilitation schemes. The Andolan has state units in UP, Bihar, Madhya

87 see Supra note 80, p.355.
88 Id., p.379.
Pradesh, Rajasthan, Maharastra, Haryana and Delhi. SACCS is the first Asian joint NGO initiative against bonded child labour and servitude. The initiative has freed more than 27,000 children from servitude through raids and with the help of Supreme Court and High Court orders- from the carpet, glass, brick kiln, stone and construction sectors. Besides this it has also set up 14 non-formal schools for working children and two rehabilitation centers for freed children.

The Campaign Against Child Labour (CACL), initiated in 1992, is a nationwide effort seeking eradication of child labour. It is one of the most significant advocacy campaigns, and addresses the question of child labour as a violation of basic human rights. Its major focus is on the mobilization of public opinion for the eradication of child labour: establishing linkages with other issues, movements and struggles: and intervening in specific cases of Child Rights violation. At present, CACL is active in 12 states of India. Within a short span of eight years, it has succeeded in building up a network of more than 500 social action groups, voluntary organizations and activists to work together on the issue of child labour and using both conventional and non-conventional media, and of persuading the Government to enforce existing laws and to enact legislations to ensure the rights of children.  

The MV Foundation established in 1981, has been combating child labour and providing non-formal education, particularly for girl children and bonded labourers in the agricultural sector of Rangareddy district of Andhra Pradesh for over a decade. The Child Labour project was instituted to provide non-formal education to working children and thereby to motivate them to enroll to regular school. The project was operational in 10 mandals and 300 villages of Rangareddy district. Over 80,000 of children in the 5-8 age group have been enrolled into schools and have been retained. These include 1200 formerly bonded child labourers and 25,000 adolescent's girls who have been released from work and have been enrolled and retained in schools. Over 500 teachers were appointed through the

89 Ibid
parent-teacher Association/ community/ Gram Panchayat support. Over 1200 Para-teachers, 7000 youth volunteers and 300 government teachers have been motivated and trained by M V Foundation, and they in turn have been motivated parents to release their children from work and send them to school. Strong community participation is the hallmark of the programme’s success. Parents committees and village levels committees were formed to help the local community understand the importance of educating their children. An advocacy campaign was launched in the community and as a part of this posters, hand outs, spots in the electronic and print media were used to raise awareness of parents and teachers about the universal primary education.  

The Pratham Mumbai Education initiative adopted the plan of using early childhood education as a stepping stone to universalize primary education when it started work in the city of Mumbai. Begun with the UNICEF initiative, Pratham’s defined objectives to ensure that all children in the age group of 3-10 years in Mumbai city are enrolled in pre-school centres or primary schools.  

The Lok Jumbish Project was launched in 1992 with the main objective of achieving education for all (CFA) by the year 2000 through mobilization and active participation of people in the development of education in rural areas. The project is being funded by Swedish International Development Agency (SIDA), GOI and Government of Rajasthan. It completed its first phase in 1996. The main objective of the project is to achieve universalisation of primary education that would include (i) universal access and participation in primary education of all children up to the age of 14 years (ii) universal retention in school till complete the full cycle of primary education and universal achievement of at least the minimum levels of learning (MLL) laid down for the primary stage of education. The Balika Shiksha Shivir is an innovative programme run by the Lok Jumbish

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90 Ibid.
91 Ibid.

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Parishad in rural and tribal areas of Rajasthan for out of school adolescent girls. Angana Vidalaya has been specially designed for adolescent girls who are out of school. The teacher at the school is from the same community and is referred as a ‘Saheli’ (friend). The school curriculum, apart from mathematics, language and environmental studies include knowledge and skills relevant to adolescent girls. It helps to build awareness on the biological changes that take place during adolescence. The strategy was started in November, 1998. It drew inspiration from the Jaggagi centres under the Mahila Samkhya. A total of 467 Angana Vidayalayas are operational, covering more than 15,000 girls. These centres run for four hours daily, the training being suitable for girls. The programme duration is two years, divided into four semesters each of six months duration.

**Bal Sangopan Yojana** is a Maharastra based scheme primarily aims at preventing institutionalization of children and promoting de-institutionalization. It recognizes the Child Rights to a family and thus includes provision for temporary or long-terms care in a substitute family for planned period to children who are orphans or whose parents are unable to care for them due to severe family crisis, deaths, desertion and illness. The scheme applies to children from 0-18 years. Eligibility criteria have been worked out for children, parents and NGOs. Foster parents receive a grant of Rs.250/- pre month per child. Any registered voluntary organization with 3 years experience in the filed of family welfare can implement the scheme. Implementing NGOs will receive Rs.50/- per child.

**Abyudaya Yuvaajana Sangam (AYS)** is established in 1991. The mission of AYS is to ensure equality and social justice to poor women, Dalit, destitute, orphans, child labourers, besides promoting health and hygienic conditions, protecting them from health hazards including epidemic diseases. They provide training or education on Child Rights, Work directly with children, Work in partnership with organizations Areas of expertise of NGO is Child labour and working children.

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92 ibid, p294.
93 ibid.
94 ibid.
Children and education, Children and health, Children with disabilities, Children working and living on the street, Individual cases of violations, Reporting to and monitoring the CRC, Sexual exploitation of children.95

**A.P. Alliance for Child Rights (APACR)** The A.P. Alliance for Child Rights associates with individuals, groups, NGOs, Child Rights networks working for the best interests of the child. The Focus of the NGOs is dissemination of information, development of strategies to influence policy and enablement of district forums to address child related issues.96

**Action on Disability and Development (ADD) - India (ADD)** India, an NGO, began its work about 10 years ago by identifying disabled persons in rural communities in Karnataka, Andhra Pradesh and Tamil Nadu, in order to focus on the needs of one of the most deprived sections of society and training the rural disabled to become assertive role models.97

**Andhra Pradesh Urban and Rural Social Development Society (APURSDS)** Focused on the socio-economic development for rural poor people; training and research; and planning and promotion for the implementation of programmes and activities designed for small sectors. Area of expertise are Child labour and working children, Children and education, Children and health, Children living with HIV/AIDS, Children with disabilities, Children working and living on the street, Sexual exploitation of children.98

**Association for Welfare Activities and Rural Education (AWARE)** The aims and activities are to provide medical treatment, counseling and educational support for HIV infected Women and their children; HIV/AIDS prevention education and child welfare/orphanage. The area of expertise of the NGO is

Child labour and working children, Children and citizenship, Children and education, Children and health, Children living with HIV/AIDS, Children with disabilities, Children without parental care, Children working and living on the street.

Bal Niketan Sangh (BNS) The organization contributes to the education of children and to the cause of children's and women's welfare. The organization also works for empowerment of tribal adolescent girls (health and nutrition training) and of girls of the slums of Indore city; a reproductive child health programme for the tribal community focusing on STDs, adolescent health and gender equality and sensitisation; an awareness raising programme for women of the slums of Indore to fight malnutrition in children.

Bonded Labour Liberation Front alternative name is Bandhua Mukti Morcha
The main aim is to identify adult bonded labour, child bonded labour/child labour, in the various sectors of the economy, liberate them from slavery and follow up their rehabilitation by the government under the laws of the country. The area of expertise is with Children working and living on the street, Individual cases of violations, Sexual exploitation of children.

Child Relief and You (CRY) The main activities of organisation are to create awareness of the situation of underprivileged children in India and harness public commitment and support. Their main areas of work are identifying small and struggling child focused development initiatives at grassroots levels working for deprived children in the field of education, health, working children and to support them for a minimum of 3 years. Monitoring the growth of the programme, evaluate it and provide need based training, information support (documentation)

networking (non-financial support) and helping them to sustain in their area these inputs.

The other NGOs working in this field in India are as follows:

- Animators for Rural Multipurpose Development Society
- Anusha Mahila Mandal
- Aravind Children’s Hospital
- ARISE-Agency of Research on Integration Services and Empowerment
- Asian Center for Human Rights
- Asian Indigenous & Tribal Peoples Network
- Bharat Integrated Social Welfare Agency
- Bharat Vikas Parishad
- Bharathiya Mahila Dal
- Care for Orphans Rehabilitation and Educational Society
- Centre for Child and the Law
- Centre for Community Health Research
- Centre of Concern for Child Labour
- Child Labour Action Network
- Childline India Foundation
- Children in Domestic Work
- Childright - India
- CHOAI - Action for Child Labour
- Dynamic Action for Rural Education
- ECPAT - Calcutta
- Educational Trust Of India

• Forum for Child Rights
• Free the Children - India
• Global March Against Child Labour
• HAQ Centre for Child Rights
• India Alliance for Child Rights
• Indian Council for Child Welfare - Tamil Nadu
• Janavikas Society
• Krityanand UNESCO Club
• Mahila
• Manav Kalvan Sansthan
• Mountain Children's Foundation
• Movement for Alternatives and Youth Awareness - Maya
• Nanban, Centre for Street and Working Children
• National Coalition on Children in Armed Conflict INDIA
• National Educational Minorities Society
• National Institute Of Public Cooperation And Child Development
• NGO Forum for Combating Sexual Exploitation
• Peace Trust (Child Rights Coordination Committee)
• People’s Action in Development
• People’s Association for Rural Development
• People’s Association for Rural Women Development Trust
• People’s Organisation for Rural Health, Education and Economic Development
• Rural Development Society - Andhra Pradesh

The working of NGOs has not been able to reach the desired results. The basic problems faced by NGOs are:

- **Lack of Resources and Funds.** As NGOs working is dependent on donations and charity offered by people or the organizations. This is the basic constraint faced by most of the NGOs.

- **Co-ordination between governmental and non-Governmental agencies** is very weak due to which targeted results are not achieved. The role of NGOs would be only complementary and not supplementary. However, in order to achieve best results from community participation, certain specific activities such as setting up rescue homes and counseling centres could be delegated to the NGOs.

- **NGOs lack credibility and transparency** due to unknown funding sources and influences. Therefore, there is a need for the development of a set of “international best practices and minimum standards” that will hold NGOs accountable for their actions and integrity.\(^{158}\)

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• NGOs play an increasingly active role in today’s political and social arenas. Civil society organizations are sprouting up all over the world. Sometimes, local and international NGOs act irresponsibly and undermine the credibility of civil society in general. Organizations must be as accountable as the governments they criticize.  

• There is a need for co-ordination among the NGOs within the state, across the states and across the borders also.

• The partnership of corporate with NGOs can be initiated by either party or could be facilitated by the concerned government agencies. The large amounts which corporate have earmarked for meeting their social responsibility could be adequately channelised.

In brief, the partnership between the NGO and Government should not be symbolic and ritualistic but one that flows naturally and easily from both sides. In other words, neither should government dictate to NGOs on how to associate or involve themselves in government action nor should NGO seek partnership as a favour from government. This is an imperative and urgent need for successful furtherance of the rights of child.