

## **Ministry of Women and Child Development**

### **The Draft National Policy for Children, 2012**

#### ***Inviting Comments from General Public***

The National Policy for Children (NPC), 1974 was adopted by the Government of India on 22<sup>nd</sup> August, 1974. This Policy describes children as a supremely important asset and makes the State responsible to provide basic services to children, both before and after birth, and also during their growing years and different stages of development.

With the advent of globalization and development, new challenges have emerged, which impact children's lives, health, security and development. The recognition of the child as a person with inherent and inalienable rights, which are interrelated and interdependent, made it necessary to update and expand the 1974 Policy with focus on child rights. The framing of a revised Policy, which reaffirms the Government's commitment to its children, addresses continuing and new challenges, and aims to realize the full range of child rights for all children in the country, was therefore taken up by the Ministry of Women and Child Development (MWCD).

The Draft Policy is being placed on the website for comments of the general public. Comments may be sent by email or by post to Dr. Vivek Joshi, Joint Secretary, CW-I or Ms. Anju Bhalla, Director, CW-I with the subject line "Comments on NPC, 2012" by 5<sup>th</sup> August, 2012. The email addresses and the postal addresses are as under:

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# The Draft National Policy for Children, 2012

## 1. Introduction

1.1 India is home to the largest child population in the world. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. The Directive Principles of State Policy in the Constitution specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

1.2 Declaring its children as the nation's "supremely important asset" in the National Policy for Children, 1974, the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties. These 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 and the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption.

1.3 The National Policy for Children, 1974 recognised that programmes for children should find prominent place in national plans for the development of human resources, so that children grow up to 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.

1.4 The National Charter for Children, 2003 adopted on 9<sup>th</sup> February 2004, underlined the intent to secure for every child its inherent right to be a 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 context to protect children from all forms of abuse, while strengthening the family, society and the Nation.

1.5 To affirm the Government's commitment to the rights based approach in addressing the continuing and emerging challenges in the situation of children, the Government of India hereby adopts this Resolution on the National Policy for Children, 2012.

## **2. Preamble**

### *2.1.1 Recognising that:*

- *a child is any person below the age of eighteen years;*
- *childhood is an integral part of life with a value of its own;*
- *every child has universal, inalienable and indivisible human rights including the right to life, survival, development, protection and participation;*
- *the rights of children are interrelated and interdependent, and each one of them is equally important and fundamental to the well-being and dignity of the child;*
- *a multi-dimensional, integrated and inclusive approach is necessary for the overall and harmonious development and protection of children, which acknowledges their heterogeneity and different needs;*
- *right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality, and mental, emotional, cognitive, social and cultural development of the child;*

- *family or family environment is most conducive for the all-round development of children and they are not to be separated from their parents, except where such separation is necessary in their best interest;*
- *the best interest of the child is of paramount concern in all decisions and actions affecting the child, whether taken by legislative bodies, courts of law, administrative authorities, public, private, social, religious or cultural institutions;*
- *children, especially girls, are free to express their views and their voices are heard and their opinions are respected in all matters affecting them in any way they are able to communicate, in particular judicial and administrative proceedings and interactions, in accordance with their age, maturity and evolving capacities;*

## 2.2 *Reaffirming that:*

- *all children have equal rights irrespective of place of birth, sex, religion, caste, class, language, and disability, social, economic or any other status;*
- *all children have the right to a loving family, a dignified life free from exploitation and that families are to be supported by a strong social safety net in caring for and nurturing their children;*
- *safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation;*

the Government of India reiterates its commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take pro-active measures for inclusion of all children in accessing their rights, especially those marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights.

2.3 This Policy is to guide and inform all laws, policies, plans and programmes affecting children. All actions and initiatives of the national, state and local Government in all sectors must respect and uphold the principles and provisions of this Policy.

### **3. Key Priorities**

Survival, health, nutrition, development, education, protection and participation are the undeniable rights of every child and are the key priorities of this Policy.

#### **Survival, Health and Nutrition**

3.1 The right to life, survival, health and nutrition is an inalienable right of every child and will receive the highest priority.

3.2 The State stands committed to ensure equitable access to holistic and essential health care, both preventive and curative, of the highest standard, for all children before, during and after birth, and throughout the period of their growth and development.

3.3 Every child has a right to be safeguarded against hunger, deprivation and malnutrition. The State commits to securing this right for all children through access, provision and promotion of required services and supports for holistic nurturing, wellbeing with nutritive attainment of all children, keeping in view their individual needs at different stages of life in a life cycle approach.

3.4 The State shall take all necessary measures to:

- (i) Improve maternal health care, including safe delivery by skilled health personnel
- (ii) Provide universal access to information for making informed choices related to birth and spacing of children
- (iii) Secure the right of the girl child to life, survival and health
- (iv) Address key causes and determinants of child mortality through interventions based on continuum of care with emphasis on health education and nutrition

- (v) Encourage focused behaviour change communication efforts to improve key new born and childcare practices at the community level
- (vi) Provide universal and easy access to management of neo-natal and childhood illnesses and protect children from all water borne, vector borne, communicable and other childhood diseases
- (vii) Prevent discrimination faced by children with disabilities and provide health services needed by them, including early detection and interventions to minimize and prevent further disabilities and provide special treatment through continued medical and social support services
- (viii) Ensure availability of essential services, supports and provisions, including infant and young child feeding (IYCF) practices, special focus on adolescent girls and other vulnerable groups, and special measures for the health, care and nutrition, including nutrition education, of expectant and nursing mothers

### **Education and Development**

3.5 Every child has equal right to learning, knowledge and education. The State recognises its responsibility to secure this right for every child, with due regard for special needs, through access, provision and promotion of required environment, information, infrastructure, services and supports, towards the development of the child's fullest potential.

3.7 The State shall take all necessary measures to:

- (i) Provide universal and equitable access to Early Childhood Care and Education (ECCE) for optimal development and active learning capacity of all children below six years of age
- (ii) Promote quality education up to the secondary level for all children
- (iii) Address discrimination of all forms in schools and foster equal opportunity irrespective of place of birth, sex, religion, and disability, social, economic or any other status

- (iv) Prioritise education for disadvantaged groups by creating enabling environment through necessary legislative measures, policy and provisions
- (v) Provide safe learning environment
- (vi) Create child friendly processes of teaching and learning pedagogy that engage and delight children, with a special focus on mental health, from a social and gender just, life skills and age appropriate perspective
- (vii) Provide access to ICT tools for equitable, inclusive and affordable education for all children especially in remote, tribal and hard to reach areas
- (viii) Promote safe and enjoyable engagement of children's experiences with new technology in accordance with their age and level of maturity
- (ix) Review, develop and sustain age-specific initiatives, services and programmes for safe spaces for play, sports, recreation, leisure, cultural and scientific activities for children in neighbourhoods, schools and other institutions
- (x) Enable children to develop holistically, bringing out their aspirations, with focus on their strengths, empowering them to take control of their lives, bodies and behaviours
- (xi) Ensure no child is subjected to any physical punishment or mental harassment. Promote alternative methods of disciplining so as to provide children with a good learning experience
- (xii) Foster and support inter sectoral networks and linkages to provide vocational training options including comprehensively addressing age-specific and gender-specific issues of children' career choices through career counselling and vocational guidance
- (xiii) Promote all round good health, hygiene and sanitation practices through schools among families and communities
- (xiv) Facilitate concerted efforts by local governments, non-governmental organisations/community based organisations to map gaps in availability

of educational services, especially in backward, child labour intensive areas and areas of civil unrest, and efforts for addressing them

- (xv) Identify, encourage and assist gifted children, particularly those belonging to the disadvantaged groups, through special programmes
- (xvi) Provide and promote crèche and day care facilities for children of working mothers, mothers belonging to poor families or ailing mothers
- (xvii) Promote appropriate baby feeding facilities in public places and at workplaces for working mothers in public, private and unorganised sector

### **Protection**

3.8 A safe, secure and protective environment is a precondition for the realisation of all other rights of children. Children have the right to be protected wherever they are.

3.9 It is the responsibility of the State to create a caring and protective environment for all children, to reduce their vulnerability in all situations and protect them from all forms of violence and abuse, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, substance abuse, or any other activity that takes undue advantage of them, or harms their personhood and affects their development.

3.10 To secure the rights of children temporarily or permanently deprived of parental care, the State shall endeavour to ensure family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalisation as a measure of last resort, with due regard to the best interest of the child and guaranteeing adequate standards of care.

3.11 The State commits to taking special protection measures to secure the rights and entitlements of children in difficult circumstances, characterised by their specific social, economic and geo-political situations, including their need for rehabilitation and reintegration, in particular but not limited to, children affected by migration, displacement, communal or sectarian violence, civil unrest, disasters and calamities,

children of women in prostitution, children forced into prostitution, abused and exploited children, children in conflict and contact with the law, children in situations of labour, children of prisoners, children infected/affected by HIV/AIDS, children with disabilities, children from any other socially excluded group and children affected by armed conflict.

3.12 The State shall promote child friendly jurisprudence, enact progressive legislation, build a child responsive protection system, and promote effective enforcement of legislative and administrative measures for comprehensively addressing issues related to child protection.

### **Participation**

3.14 The State has the primary responsibility to ensure that children are made aware of their rights, and provided with opportunities and support to develop skills, to form aspirations and express their views, in accordance with their age, maturity and evolving capacities, so as to enable them to be actively involved in their own development and in all matters concerning and affecting them.

3.15 The State shall promote and strengthen respect for the views of the child, especially those of the girl child and of children from minority groups or marginalised communities, within the family; community; schools and institutions; different levels of governance; as well as in judicial and administrative proceedings that concern them.

3.16 The State shall engage all stakeholders in developing mechanisms for children to share their grievances without fear; monitor effective implementation of children's participation through monitorable indicators; develop different models of child participation; and undertake research and documentation of best practices.

## **4. Advocacy and Partnerships**

4.1 Children's needs are both multi sectoral and interconnected and require collective action and partnership among all stakeholders such as individuals, families, local communities, non-governmental organisations, civil society organisations, media

and private business sector. The State shall ensure the active involvement and participation of stakeholders in securing the rights of the child.

4.2 This Policy is to be given wide publicity and supported by focused advocacy measures to ensure that children's best interests and rights are accorded the highest priority in areas of policy, planning, resource allocation, governance, monitoring and evaluation, and children's voices and views are heard in all matters and actions which impact their lives.

4.3 All stakeholders are to promote the use of rights-based and equity-focused strategies, platforms, programmes, media and tools to generate awareness on child rights and the commitment to their achievement.

4.4 The State shall ensure that service delivery structures are participatory, responsive and child-sensitive, thereby enhancing transparency and ensuring public accountability. Synergistic linkages will be created with other progressive and successful experiments to learn from best practices across regions.

## **5. Coordination, Action and Monitoring**

5.1 Addressing the rights and needs of children requires programming across different sectors and integrating their impact on the child in a synergistic way. Rights based approach to survival, development and protection calls for conscious, convergent and collateral linkages among different sectors and settings.

5.2 Ensuring coordination among Central Government Ministries/Departments, between Central and State Governments, between different levels of governance and between Government and civil society is crucial for effective implementation of this Policy. The Ministry of Women and Child development (MWCD) will be the nodal Ministry for overseeing and coordinating the implementation of this Policy.

5.3 A National Coordination and Action Group (NCAG) for Children will monitor progress and ensure that the principles of this Policy are respected in all sectors at all levels in formulating laws, policies and programmes affecting children.

5.4 Plans of Action at the national and state level will facilitate action on the provisions of this Policy. The NCAG will monitor the progress of implementation under these Plans.

## **6. Research, Documentation and Capacity Building**

6.1 The implementation of this Policy will be supported by a comprehensive and reliable knowledge base on all aspects of the status and condition of children. Establishing such a knowledge base would be enabled through child focused research and documentation, both quantitative as well as qualitative. A continuous process of indicator-based child impact assessment and evaluation will be carried out on the situation of children in the country.

6.2 Professional and technical competence and capability in all aspects of programming, managing, working and caring for children at all levels in all sectors will be ensured.

## **7. Resource Allocation**

7.1 The State commits to allocate the required financial, material and human resources, with transparency, and their efficient and effective use, with accountability, to implement this Policy. Child budgeting will track allocation and utilisation of resources and their impact on outcomes for children.

## **8. Review of Policy**

8.1 A comprehensive review of this Policy will be taken up once in five years in consultation with all stakeholders, including children. The Ministry of Women and Child Development will lead the review process.