



**POLICIES, LEGISLATION'S AND PROGRAMMES FOR INTEGRAL DEVELOPMENT  
OF CHILDREN IN INDIA**

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**ABSTRACT**

In the integrated development of the child, policies, legislation's and programmes are crucial factors as like family and school in the process of overall development of the child. According to the UNCRC (1989), child means any person male or female who is below 18 years of age. The children and adolescents are exposed to various factors. Risk factor increases the probability of problems, while protective factors moderate the effects of risk exposure. Policies, legislation, and programmes are the protective factors that should be designed in a way that reduce the risk factors and enhance protective factors among children. Thus, this paper would focus on the existing Policies, legislation, programmes towards integral development of Indian children in particular with the background of constitutional and UNCRC rights.

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**INTRODUCTION**

India with a population of 1.21 billion population stand at the second position as the most populous country it comprises almost 13.1 per cent of child population aged 0-6 years. Children of today are tomorrow's citizens; hence it is very necessary to provide better health care facilities, welfare programmes and protection from the risk circumstances. India accounted almost 43 per cent underweight children, nutritional level among the children is the basic element of their overall mental and physical development. Mortality among infants and under-5 children is also a major concern. In India the number of under-5 mortality rate and infant mortality rates are 49 and 42, respectively. Usmani G, Ahmad N (2017)

Children are prone to get communicable and non communicable diseases which cause disability among juvenile. If untreated, these conditions severely influence children's development, their academic attainments, their potential to live, and productive lives. Children with mental disorders face major challenges with stigma, isolation and discrimination, as well as lack of access to health care and education facilities, in violation of their fundamental human rights. What age ceases to be a child is a continuous debate in India. The Census of India (2001) considers children to be any person below the age of 14 as do almost government programmes. According to the UN Convention on the Rights of Child (1989) defines "child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier".

This definition allows each countries to determine according to the own discretion the age limits of a child. But in India various laws related to children define children in different age limits. India signed and ratified the convention in 1992.

The UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, status or ability. There are four broad categories those are as follows:

**Right to Survival:** A child's right to survival begins before a child is born, survival is inclusive of the child rights to be born, minimum standards of food, shelter and clothing, and the right to live with dignity.

**Right to Protection:** A child has the right to be protected from neglect, exploitation and abuse at home, and elsewhere.

**Right to Participation:** A child has a right to participate in any decision making that involves him/her directly or indirectly. There are varying degrees of participation as per the age and maturity of the child.

**Right to Development:** Children have the right to develop in all forms such as: emotional (proper care and love of a support), mental (education and learning) and physical (recreation, play and nutrition).

**Constitutional Safeguards for Indian Children**

The Indian constitution safeguards various rights of the children, there are number of articles that address various needs of children as outlined below.

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### **Fundamental Rights**

The State shall not deny to any person equality before the law or the equal protection of laws within the territory of India. (Indian Const. (1950) art. 14).

The State shall not discriminate against any citizen and the state can make special provisions for women and children. (Indian Const. (1950) art. 15).

No person shall be deprived of his life or personal liberty apart from procedure established by law. (Indian Const. (1950) art. 21). The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine. (Indian Const. (1950) art. 21A). Prohibition of traffic in human beings and forced labor. (Indian Const. (1950) art. 23).

No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. (Article 24) and the Constitution (86th Amendment) notified on 13th December 2002, making free and compulsory education a Fundamental Right for all children in the age group of 6-14 years.

### **Directive Principles**

Article 39(e) and (f) provides that the State shall, in particular, direct its policy towards securing to "ensure that the health and strength of workers, men and women and the tender age of children are not abused" and "that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength" and that "the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity" and that the childhood and youth are protected against exploitation and against moral and material abandonment.

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. (Indian Const. (1950) art. 47).

### **Policies and its Summary Related to Children**

**The National Policy for Children, 2013:** 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. The key Priorities of this policy are survival, health, nutrition, development, education, protection and participation are the undeniable rights of every child.

**National Policy on Education, 1986:** The National Policy on Education is an extensive document that covers all aspects of education from elementary to university level and even adult education. The Policy identifies the need to pay attention to minority groups and other backward sections of society. Hill, desert and remote areas are provided with adequate institutional infrastructure. The policy encourages the integration of handicapped student in the main stream system but also makes provisions for special schools with hostels if need be. Teachers are also trained to deal with special difficulties of handicapped children.

With regard to elementary education the policy makes three very important commitments:

1. Universal access and enrolment.
2. Universal retention of children up to age 14.
3. A much needed improvement in the quality of education that allows children to achieve certain level of learning.

**National Policy on Child Labour, 1987:** The Child Labour Policy of 1987 envisages a legislative plan of action. Which calls for programme and project based intervention to tackle problem of child labour.

**National Nutrition Policy, 1993:** To address the issue of malnutrition and under-nutrition the Integrated Child Development Services (ICDS), Special Nutrition Programme, and Wheat Based Nutrition Programme have brought under this policy. The policy outlines a few additional provisions to ensure proper nutrition of all populations.

Calls for the need to expand the ICDS and similar programmes to cover the actual population of children in India.

Mothers are given proper information and support to monitor their children by growth and effective nutrition.

Adolescent girls and expecting mothers are also taken into the purview of programmes. Foods provided to society need to fortify against nutrient loss, low cost nutritious food needs to be produced for poorer families, and programmes should attempt to address and prevent nutrient deficiencies especially among women, expecting and nursing mothers and children. Under indirect long term and structural changes the policy calls for the establishment of food security reserves. The dietary patterns of people need to be adjusted for better health by producing healthier food, increasing agriculture input to yield high nutrient foods, and aligning the food and agricultural policies to the nutritional needs of the nation.

**National Health Policy, 1983 & 2002:** The Ministry of Health and Family Welfare introduced the health policy. In this they outlined the achievements and drawbacks of the 1983 policy and drew up new plans for the sector.

The policy begins with an outline of the health sector scenario and the following is an outline of the NHP-2002 as it applies to children between the ages 0-18. Some of the goals set out by the policy are

- Eradicate polio and yaws by 2005
- Achieve zero level growth of HIV/AIDS by 2007
- Reduce IMR to 30/1000 by 2010
- Increase use of public health facilities to more than 75% by 2010
- Increase government health expenditure from the current 0.9% to 2% of GDP by 2010.

**National Plan of Action, 2005:** The Plan has identified twelve key areas keeping in mind priorities and the intensity of the challenges that require utmost and sustained attention in terms of outreach, programme interventions and resource allocation, so as to achieve the necessary targets and ensure the rights of children these are:-

1. Reducing Infant Mortality Rate.
2. Reducing Maternal Mortality Rate.
3. Reducing Malnutrition among children.
4. Achieving 100% civil registration of births.
5. Universalization of early childhood care and development and quality education for all children

- achieving 100% access and retention in schools, including pre-schools.
6. Complete abolition of female foeticide, female infanticide and child marriage and ensuring the survival, development and protection of the girl child.
  7. Improving Water and Sanitation coverage both in rural and urban areas • Addressing and upholding the rights of Children in Difficult Circumstances.
  8. Securing for all children all legal and social protection from all kinds of abuse, exploitation and neglect.
  9. Complete abolition of child labour with the aim of progressively eliminating all forms of economic exploitation of children.
  10. Monitoring, Review and Reform of policies, programmes and laws to ensure protection of children's interests and rights.
  11. Ensuring child participation & decisions affecting their lives.

### **Legislations and its Summary Related to Children**

#### ***The Protection of Children from Sexual Offences Act 2012:***

This act provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law. The Act provides for stringent punishments, which have been graded as per the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the Court.

#### ***The Right of Children to Free and Compulsory Education Act, 2009:***

The main purpose of the act is to outline the provision of quality education for all children between the ages of 6-14 as per the constitutional fundamental right awarded to children in the 86th amendment.

#### ***The act Outlines***

The central and state governments are responsible for establishing schools.

The act outlines school and teacher responsibilities.

But it does not outline the specifics of curriculum and evaluation procedure but simply says it is the role of the authorized (by the appropriate government) academic authority.

This act holds the National and State Commissions for the Protection of Child Rights responsible for upholding the right to education specified in the act

#### ***Juvenile Justice (Care and Protection of Children) Act, 2000:***

The Government of India enacted the Juvenile Justice Act in 1986. In 1989 the General Assembly of the United Nations adopted the Convention on the Rights of a Child. India ratified the UNCRC in 1992. The convention outlines the right of the child to reintegration into society without judicial proceedings where avoidable. Hence the Government, to fulfil the standards of the convention felt a need to re-write the law. Hence in 2000 the old law was replaced by the Juvenile Justice (Care and Protection of Children) Act.

It outlines two target groups: Children in need of care and protection and Juveniles in conflict with law.

***Child Labour (Prohibition and Regulation) Act, 1986:*** It outlines where and how children can work and where they

cannot. The provisions of the act are meant to be acted upon immediately after the publication of the act. Part III of the act outlines the conditions in which children may work in occupations/processes.

#### ***Amendments on this act are***

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 & Child Labour Act Amendment 2006

***Bonded Labour System (Abolition) Act, 1976:*** This act renders all bonded labour systems (agreements, pacts, tradition, custom, etc) to be null and void. It also bans any person pursue or compel a person to enter into forced labour or a bonded labour system. Victims of bonded labour are not liable to repay their debt, and any property that was taken from the bonded labourer is to be restored. As per the law, the bonded labour cannot be evicted from his home even when the bonded system has been dissolved. Creditors are not permitted to accept any payments and those who do are punishable up to three years of imprisonment and fine to Rs. 2000.

The act allows for the state to appoint a district magistrate and officers.

***The Factories Act, 1948:*** The act defines a child as a person who has completed his/her 15th year of age. It defines an adolescent as one who has completed his/her 15th year of age but not completed his/her 18th year of age. Section 23 is concerned with young persons are not to be compelled to work on dangerous machinery unless they have full prior knowledge of the danger, are trained and there is a supervisor present at all times. Chapter VII of the act concerns the employment of young persons. This states that no child below the age of fourteen will be allowed or required to work in a factory. The act places time restrictions to the work of adolescents.

Children who have worked more than 240 days in the previous calendar year are allowed one day paid leave for every fifteen days they worked.

#### ***Pre-Conception & Pre-natal Diagnostic Techniques Act, 1994:***

The act prohibits the medical personnel from conducting or helping anyone conduct sex-selection. All medical equipment regarding pregnancies shall be sold only to registered clinics. All pre-natal diagnostic techniques are banned except for the detection of chromosomal abnormalities, genetic metabolic diseases, haemoglobinopathies, sex-linked genetic diseases, congenital anomalies, any other abnormalities or diseases as may be specified by the Central Supervisory Board.

Under this act it is also an offence to advertise techniques used for the purpose of sex-determination. People who contravene the provisions of this act are liable to serve prison time and a fine.

#### ***The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995:***

In this act disability is defined as blindness, low vision, leprosy-cured, hearing impairment, loco-motor disability, mental retardation and mental illness. The following is an outline of the provisions in this law that pertains to children.

According to chapter V, children with disabilities should be provided free education by the appropriate government. The government must take steps to integrate children with disabilities into regular schools, but also make space for special schools that cater expressly to the needs of these

children. The act also provides for non-discrimination of PWD in employment that can be taken up by them, in government and non-government offices.

**The Prohibition of Child Marriage Act, 2006:** According to this act child is a male who has not completed twenty one years of age and a female who has not completed eighteen years of age. Child marriage is a contract between any two people of which either one or both parties is a child.

If a male adult above eighteen years contracts a child marriage shall be punishable unto two years imprisonment and/or a fine with may extend to Rs. 1 lakh. The same punishment will be given to person who performs, conducts or directs a child marriage. Unless proved otherwise, the parents or guardian of the child are considered to have failed to prevent the child marriage and hence are also held accountable.

**The Immoral Traffic Prevention Act, 1956:** The section of the act outline the illegality of prostitution and the punishment for owning a brothel or a similar establishment, or for living of earnings of prostitution as is in the case of a pimp. Section five of the act states that if a person procures, induces or takes a child for the purpose of prostitution then the prison sentence is a minimum of seven years but can be extended to life. To ensure that the people in the chain of trafficking are also held responsible the act has a provision that states that any person involved in the recruiting, transporting, transferring, harbouring, or receiving of persons for the purpose of prostitution if guilty of trafficking. In addition any person attempting to commit trafficking or found in the brothel or visiting the brothel is punishable under this law.

#### **Schemes and Programmes Related to Children**

1. Mid-day Meal Scheme
2. Integrated Child Development Scheme
3. Integrated Child Protection Scheme
4. Sarva Shiksha Abhiyan
5. Integrated Programme for Street Children
6. Kishori Shakti Yojana
7. Nutrition Programme for Adolescent Girls (NPAG)
8. Balika Samriddhi Yojana (BSY)
9. Central Adoption Resource Agency (CARA)
10. Childline

#### **CONCLUSION**

There can be no keener revelation of a society's soul than the way in which it treats its children."- Nelson Mandela, Former President of South Africa. No doubt India has a comprehensive legal rule and policy framework to protect the rights and interests of the children, great execution is required for the implementation of these policies and programmes for overall well-being of the children by improving their level of education, health and nutrition etc. The Govt also has to ensure fair and protective desirable environment for a children and its future citizens.

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