



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003
6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110 003

Dated

File No. DKS/1/2011/MHRD3/DEOTH/RU-III

29/11/2011

To

- (1) Dr. Rameshwar Oraon, Hon'ble Chairperson
- (2) Smt. K. Kamla Kumari, Hon'ble Member
- (3) Shri B.L. Meena, Hon'ble Member

Sub:- Draft National Policy for Children, 2011

Sir,

I am directed to enclose a copy of D.O. Letter No. 19-3/2008-CW-I dated 22/11/2011 received from the Secretary, Ministry of Women and Child Development alongwith Draft National Policy for Children, 2011 for furnishing the views / comments on the bill. It is also mentioned in the letter that the Department proposes to hold a national consultation **on 19th December, 2011** on the subject and has requested the comments / feedback of the Commission before this consultation.

It is therefore requested that the views / comments on the subject may kindly be forwarded for discussion in the next meeting of Commission.

Yours faithfully,

(Mrs. K.D. Bhansor)
Deputy Director

Copy for information and necessary action alongwith a copy of the d.o. letter dated 22/11/2011 received from the M/o Women & Child Development.

1. Sr. PPS to Secretary,
2. PPS to Joint Secretary,
3. Dy. Director
4. AD (C.Cell)
5. Consultant
- ✓ 6. SSA NIC

S.P.O. 108

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डी.के. सीकरी,

D.K. Sikri,
सचिव
SECRETARY

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सत्यमेव जयते

भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली - 110001

Government of India
Ministry of Women & Child Development
Shastri Bhawan, New Delhi-110001
November 22, 2011
Website : <http://www.wcd.nic.in>

Dear Shri Sirohi,

The National Policy for Children (NPC) was adopted by the Government of India on 22nd August, 1974. This policy recognises children as a supremely important asset and makes the State responsible to provide basic services to children, both before and after their birth, and also during their growing years and different stages of development. For its time, it was a forward looking document. However, in the changing context today, issues such as the best interest of the child, respect for the views of the child and other current issues such as trafficking, sale of children, corporal punishment, children affected by HIV/AIDs, child pornography, etc., are not addressed by the Policy. It also does not adequately address the issues of convergence and coordination between concerned Ministries/Departments.

There is thus, a need to review the National Policy for Children, 1974, to align it with current and projected needs of all children (below 18 years) in India and with international conventions such as the United Nations Convention on the Rights of the Child (UNCRC). The Policy must also take into account existing and emerging challenges faced by children in a rapidly changing environment and the shift taking place from the 'need-based' to a 'rights-based' approach.

For this purpose, both the Advisory and a Drafting Committees were formed in the Ministry. On the basis of several discussions that took place, a draft working paper on the policy has been formulated. The draft Policy Paper has been shared with stakeholders in five regional consultations held across the country. On the basis of the feedback received and internal discussions, a working draft of the National Policy for Children has been prepared.

I am forwarding the working draft of the Policy for your considered views and comments. We propose to hold a national consultation on December 19, 2011. I shall be grateful then for your comments/feedback before this consultation.

With regards,

Yours sincerely,

(D.K. Sikri)

Encl: As above

Shri Raghvendra Singh Sirohi
Secretary
National Commission for Scheduled Tribes
6th Floor, 'B' Wing, Loknayak Bhawan,
Khan Market, New Delhi-110003.

Ro RUP
Dr
I have drafted
a letter.
to Mr. Sirohi
file today
28/11
28/11/11

DY No. 175 / Secy / 11
25/11/11

All circulated to
Members for comments / review
25/11/2011

November 22, 2011

Draft National Policy for Children, 2011

Introduction

1.1 The world's largest democracy, with a population of more than 4400 lakhs below the age of 18, India firmly believes that all human beings are holders of inherent, inalienable rights; a value derived from the Constitution, which guarantees rights to every citizen in this country, including children. The Government of India is committed to promoting the mandate of the Constitution, and the principles of International law such as UNCRC and thereby commits to ensure the highest standard of information, consultation, care, support and representation to all children in this country without discrimination.

1.2 This Policy has been framed keeping in mind, the rights of all children, a child being any person before, during and after birth until the age of eighteen years in India.

1.3 It takes into account existing and emerging challenges faced by children, in a rapidly changing environment, both within the country and globally. It takes into account the paradigm shift, progressively taking place globally from a need based to a right based approach.

1.4 It outlines the way in which the Government of India aims to safeguard, inform, include, support and empower children, both in their individual situations and in the development of the country as a whole and is based on the principle that every child matters, irrespective of religion, caste, sex, place of birth, class or ability. It is an overarching document, for every Central ministry/department and State Government and all other agencies and institutions of governance. Provisions of this Policy shall take precedence over and guide all other policies, legislations, plans of action and programmes that impact the lives of children. All those components that are not in consonance with the intent, principles, objectives and priorities outlined in this Policy, shall be reviewed and amended.

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1.5 The Government of India takes the primary responsibility for translating the intent of this document into action with the Ministry of Women and Child Development (MWCD) as the nodal Ministry.

2. Vision:

2.1 The State aims to create a nurturing, protective and enabling environment for children based on non-discrimination, equity, justice and best interest of the child in this country; wherein children are recognised as individuals in their own right, are safe and have access to opportunities and resources, so as to enable them to survive, develop and participate to their full potential.

2.2 The State commits hereby to take all positive measures legislative, policy or otherwise to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom with each child forming his or her identity.

3. Guiding Principles: In pursuance of the State's commitments, the Guiding Principles of this Policy are:

3.1: All children have equal rights irrespective of class, caste or gender. No custom, tradition, cultural or religious practice shall be allowed to violate or restrict or prevent children from enjoying these rights.

3.2: Child rights are universal, inalienable, interdependent and indivisible.

3.3: The best interest of the child shall be of paramount consideration in all actions and decisions concerning children, whether undertaken by State, courts of law, administrative authorities, legislative bodies or social welfare institutions.

3.4: The safety of all children shall be of prime importance and they shall be protected from harm, abuse, neglect, violence, maltreatment and exploitation.

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3.5: The physical, emotional, cognitive and social development of the child shall be addressed in totality, within the family and society at large.

3.6: A family or a family environment including non-institutional care is most conducive for the all-round development of children. Institutionalisation shall be a measure of last resort, in conformity with law and for a minimum period necessary.

3.7: The principles of equity, justice and non-discrimination shall guide all actions concerning the child, whether undertaken by the State or an authority or an institution or an individual.

3.8: Individuality, dignity, age appropriateness and recognition of the special needs and vulnerabilities, would guide all programmes and interventions related to children.

3.9: Respect for the views of the child in accordance with the age and maturity of the child shall be assured in all matters affecting them.

3.10: Consultation and participation of children in an age appropriate manner and their evolving capacities, in all matters is an inalienable right of every child.

3.11: Taking positive measures for promotion and protection of the rights of all children shall be the primary responsibility of the State. The State shall seek the cooperation of all stakeholders towards this end.

4. Strategic Objectives:

The State shall commit to:

4.1: Ensure survival, development, health, nutrition, clean water and sanitation, to prevent child mortality, malnutrition, disease and disability.

4.2: Ensure highest standards of human, financial and infrastructural resources so that all children develop to their full potential.

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4.3: Establish and strengthen a safety net of strong laws, institutions, procedures and enforcement machinery, to ensure the protection of all children and reduce their vulnerability.

4.4: Create an environment wherein children's views, choices, perceptions and aspirations are sought on all matters affecting them.

4.5: Network and collaborate locally, regionally, nationally and internationally, with other stakeholders in order to safeguard and promote the rights of all children.

4.6: Ensure free, compulsory, quality education and development for all children.

4.7: Reduce gender, regional, economic and social disparities that affect the rights of all children.

5. Priority Areas

5.1: Survival and Health:

The Right to life and Survival is an inalienable right of every child and the State shall accord the highest priority to provide access to health and shall promote the health and well-being of all children by:

5.1.1: Reducing the rates of infant, peri-natal, neonatal child and maternal mortality.

5.1.2: Improving the child sex ratio and eliminating practices in any form of social crimes such as female foeticide and infanticide.

5.1.3: Ensuring birth registration of every child within one year of birth.

5.1.4: Providing for:

a: Access to quality and essential care, for all children, before, during and after birth.

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- b: Special measures to ensure that children receive holistic health care and protection, including preventive and curative services at all ages.
- c: Special measures to ensure legal age at marriage to prevent inter-generational cycles of ill-health.
- d: Maternal health care services through trained staff to promote safe motherhood.
- e: Up scaling of initiatives on management of neo-natal and childhood illnesses and generating awareness on their home management including timely nutritional advice for reduction in child mortality.

5.1.5: Compulsory and complete immunisation for both mother and child, for protection from vaccine preventable diseases.

5.1.6: Prevention from water and vector borne diseases among children, by making available safe drinking water and sanitation facilities/services at the household and community level.

5.2 Childcare and Nutrition:

The State shall actively promote the holistic nurturing and wellbeing of children, keeping in mind their individual needs at various stages of life and in accordance thereby:

5.2.1: Progressively eliminate under-nutrition and build convergence among all initiatives to cover all children.

5.2.2: Reduce proportion of underweight in children less than three years of age and progressively eliminate micro-nutrient deficiencies by using a life cycle approach to cover all children of 3-6 years age group, adolescent girls and pregnant and lactating women, through dietary diversification, food fortification, supplementation, medical intervention and by promoting nutritious food.

5.2.3: Establish a nutrition management system, including mapping, surveillance and monitoring of infants, young children and adolescents, especially in areas that are disaster prone or are inhabited by tribals.

5.2.4: Taking new initiatives and strengthening of existing initiatives by reviewing, rationalising, revamping, universalising and building effective community and local governance based partnerships.

5.2.5: Promoting early initiation and exclusive breast feeding up to 6 months and infant and young child feeding (IYCF) practices by creating baby feeding facilities in public places and at workplaces for working mothers.

5.2.6: Ensure food and nutrition security for all children.

5.3: Development and Education:

There is no substitute for quality and age appropriate education for physical, emotional and cognitive development of children, so as to empower them to take control of their lives, bodies and behaviour. The State shall:

5.3.1: Ensure universalisation of early childhood education and preparation of children, particularly, those belonging to socially disadvantaged groups, for formal schooling.

5.3.2: Ensure universal enrolment and access to free and compulsory education up to the secondary level with necessary infrastructure and qualified staff. Encourage regular attendance and reduce drop-out rates and number of out-of-school children.

5.3.3: Prioritise education for socially disadvantaged groups. Provide for adequate infrastructure, staff and special provisions for children with special needs, children infected and affected by HIV/AIDS and children in difficult circumstances.

5.3.4: Ensure basic facilities for safe drinking water and sanitation. Ensure opportunities and safe spaces for play, sports, leisure, recreation and creativity.

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5.3.5: Enable children to develop holistically, bring out their aspirations, focus on their strengths and foster gender parity, by reviewing existing school curriculum and pedagogy, with a special focus on mental health, from a gender just and life skills perspective.

5.3.6: Facilitate concentrated and joint efforts for social mobilisation by local governments, non-governmental organisations/ community based organisations to map educational gaps in availability of services in backward, child labour intensive areas and areas of civil unrest to enable concerted efforts for addressing them.

5.3.7: Promote all round good health, hygiene and sanitation practices through schools among families and communities by organising regular health checkups and counseling with parents regarding the physical and mental health of their children.

5.3.8: Create inter sectoral linkages to address issues of children infected and affected by HIV/AIDS (CABA); eliminate stigma and discrimination of such children by reviewing, amending and enacting appropriate policies, legislation, and programmes to ensure access to nutrition, education, health care, treatment, property and protection.

5.3.9: Ensure that all financial and human resources that are required to ensure children's learning, education and development rights are allocated without any constraints and conditions.

5.3.10: Create inter sectoral networks and linkages to address issues of children's career choices through career counseling and vocational guidance.

5.4: Protection

The State shall commit to protect children from any perceived or real danger/risk to their life, their personhood and childhood with a focus on reduction of vulnerability to any harmful situation, at home, school, institution, workplace of parents, community and public spaces; and in pursuit thereof, shall:

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- 5.4.1: Foster collaboration between stakeholders at all levels, including but not limited to, families, government, trade unions, employers, medical, legal and judicial fraternity, NGOs, academia, religious heads, media, industry, corporate and heads of local bodies, both urban and rural; to ensure that children are protected from all forms of exploitation, discrimination, neglect, inhuman or degrading treatment and violence.
- 5.4.2: Periodically review the functioning of the Juvenile Justice system and other existing legislations related to children; create new child friendly legislation and institutions; effectively enforce existing legal mechanisms, ensure timely and effective legal aid, create standard procedure for children, sensitise lawmaking and enforcement agencies, in order to prevent and protect children from all forms of violence, abuse, neglect, and harmful traditional and religious practices.
- 5.4.3: Integrate and adopt special protection measures to address needs of children in need of special protection including but not limited to, migrant children, children of women in prostitution, children forced into prostitution, children affected by civil unrest, children in disaster situations, children in conflict and contact with the law, children in situations of labour, children of prisoners, children infected/affected by HIV/AIDS, children with special needs, children from any other socially excluded group and children affected by armed conflict.
- 5.4.4: Mainstream strategies for prevention and elimination of child labour and bonded labour with compulsory education, poverty eradication, livelihood and developmental initiatives, so as to prevent all children from being forced into these situations.
- 5.4.5: Protect children, through appropriate legislations and effective time bound interventions and services, from all forms of sexual abuse, cybercrime, exploitation and organised crime and prevent cross-border and inter-country trafficking of children.
- 5.4.6: Ensure alternative care to provide family environment with institutionalization care as a last resort.

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5.4.7: Provide for institutional/non institutional care and support services including day care services, for all children.

5.5 Participation

The State shall facilitate to ensure that children are made aware of their rights and provided with opportunities, to develop skills, to form aspirations and express their views, in accordance with their age and maturity, so as to enable them to be actively involved in their own development and in all matters concerning and affecting them. In accordance the State shall:

5.5.1: Promote and strengthen within the family, community, local bodies, schools and institutions, as well as in judicial and administrative proceedings, respect for the views of children, especially those from the marginalized groups, children with special needs, including girls.

5.5.2: Provide awareness, training, information and resources on the need for child participation to all government and non-government institutions and structures working towards ensuring rights of children.

5.5.3: Empower children as citizens by promoting their informed participation either directly or through a representative, in decisions that affect their lives, lives of their families, communities and society at large.

5.5.4: Enable informed participation of children by making information on child rights, laws and policies, available and accessible to all children in accordance with their age and maturity.

5.4.5: Develop and monitor mechanisms for children to share their grievances without fear and monitor effective implementation of children's participation.

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6. Advocacy and Partnerships

6.1: The Policy will need collective action and partnership among all stakeholders that is essential while addressing children's needs as these are both multi sectoral and interconnected.

6.2: The focus of advocacy shall be to prioritise children and ensure that their voices are heard and reflected in all matter and actions which impact their lives. The State shall in partnership with all stakeholders promote rights-based development programmes and generate awareness on child rights, and priority areas of this policy.

7. Research, Documentation and Capacity Building

7.1: The State shall establish a comprehensive and reliable data base on all aspects of child rights. It shall also encourage child focused research to develop a better understanding of various dimensions of child rights to form the basis for evidence based policy recommendations.

7.2: The State shall invest in human resource development for analytical research and documentation.

7.3: The State shall use and disseminate child-focused research in a user-friendly manner so that it is accessible to all stakeholders including children.

7.4: The State shall ensure that all stakeholders working with children are given an opportunity for appropriate training/refresher courses, so that qualified and competent personnel are available to manageresponsible positions.

7.5: The State shall also make all efforts to build the capacity of civil society organizations and communities who work in the area of child care and protection.

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8. Resources, Coordination and Monitoring

8.1: The State shall ensure allocation of financial and human resources to implement this policy.

8.2: The State shall ensure efficient use of existing resources for ensuring rights and well-being of all children.

8.3: The State shall promote the practice of child budgeting from the perspective of best interest of children with all Central Ministries/Departments and State Governments/UT administrations.

8.4: The nodal Ministry (MWCD) shall ensure convergence with other Central Ministries and partner organisations to achieve the strategic objectives of this policy. The policies of other Ministries/Departments impacting children shall be in agreement with the guiding principles of this Policy.

8.5: The National Coordination Group shall be the designated mechanism to review, monitor and guide the progress of this policy.

8.6: Transparency and accountability shall guide all the actions based on this Policy.

9. Review of Policy

9.1: The problems and difficulties being faced by children today may change over time. Current challenges may be overcome and new issues may emerge that require new approaches, not covered by this policy. This necessitates that the policy is a dynamic and evolving document, which is periodically reviewed and redefined, both in approach and implementation methods.

9.2: A comprehensive review spearheaded by MWCD, in consultation with all stakeholders, including children, shall be conducted once in five years. The review shall be done with reference to issues put forth in this document and others, emerging and relevant to the protection of the rights of the child.