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## UNIT 2 POLICIES AND PROGRAMMES FOR CHILDREN IN INDIA

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### 2.0 OBJECTIVES

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Child rights are a component of human rights. Many countries formulated policies and programmes for children responding to the growing concern for the world's children. In India, the commitment to these goals took the shape of policies and programmes for the development of children.

After studying this unit, you should be able to:

- discuss the constitutional safeguards and legislation for children;
- explain the policies advocating child rights in India; and
- describe the programmes for children in India.

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### 2.1 INTRODUCTION

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Child rights are integral for the development of children. In order to ensure these entitlements to children and to fulfill international commitments, the Government of India along with civil society has made efforts by introducing various policies and programmes. These initiatives aim to nurture the childhood of children, providing them basic rights of survival, protection, development and participation.

India is a signatory to the Convention on the Rights of the Child and its two Optional Protocols on sale of children, child prostitution and child pornography and on children involved in armed conflict. It strives to protect children from the vagaries of poverty, destitution, exploitation, and any such harm. Since the adoption of our Constitution we have affirmed the importance of child rights through various initiatives.

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### 2.2 CONSTITUTIONAL SAFEGUARDS

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The Constitution of India which came into force on 26<sup>th</sup> January 1950, protects the rights of children. The Fundamental Rights incorporated in Part III of the Indian Constitution, Directive Principles in Part IV and Fundamental Duties in Part IVA play a significant role in affirming child rights. The Fundamental Rights being enforceable in court create justiciable rights in favour of the individuals whereas

as the Directive Principles require legislation for implementation and are basically important guidelines for the governance of the country. The Fundamental rights related to children are as follows- the right to equality including equality before law and the equal protection of laws (Article 14), prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15) and its subsection that states 'Nothing in this Article shall prevent the state from making any special provision for women and children', and abolition of untouchability (Article 17); the right to freedom including the right to freedom of speech and expression (Article 19 (1)(a)), the right to protection of life and personal liberty (Article 21) and that right to education flows from right to life (Article 21 A), the right against exploitation, prohibiting all forms of forced labour, child labour and traffic in human beings (Articles 23 and 24), the right to freedom of conscience and free profession, practice and propagation of religion (Article 25 to 28), the rights of minorities to conserve their culture, language and script and to establish and administer educational institutions of their choice (Articles 29 and 30), and the right to constitutional remedies for the enforcement of all fundamental rights (Article 32). These rights have either direct or indirect bearing for children.

The Directive Principles ensure care for children. Some Articles relate directly to children such as Article 39 'The State shall, in particular, direct its policy towards securing (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment'. Article 243G with Schedule 11 - provides for institutionalization of child care by seeking to entrust programmes of Women and Child Development to Panchayat (Item 25 of Schedule 11), apart from education (Item 17), family welfare (Item 25), health and sanitation (Item 23) and other items with a bearing on the welfare of children.

The Constitution (86th Amendment) Act was notified on 13th December 2002, making free and compulsory education a Fundamental Right for all children in the age group of 6-14 years. By this, Article 21 A reads as follows- 'The State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may, by law, determine'. Article 45 'The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years' and Article 51 A (k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six to fourteen years'. It introduced amendments in fundamental rights, directive principles and fundamental duties. The Right to Education Bill seeks to give effect to this Amendment.

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## 2.3 LEGISLATION FOR CHILDREN

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Legislation is an important instrument to empower children. It shows the commitment of the State to child rights in acting for the well-being of children. According to Bajpai (2003), some chief legislations that relate to children are as follows:

*The Guardian and Wards Act 1890* elaborates the qualifications, appointment, and removal of guardians of children by the courts and is applicable to all children irrespective of their religion.

*The Child Marriage Restraint Act 1929* (Sarda Act) amended in 1979 restrains the solemnization of child marriages by laying down the minimum age of marriage for both boys and girls. This law is applicable to all communities irrespective of their religion.

*Hindu Adoption and Maintenance Act 1956* codifies the law relating to adoption and Maintenance among Hindus.

*The Hindu Minority and Guardianship Act 1956* provides for the appointment of guardians of minors among Hindus.

*Young Persons Harmful Publications Act 1956* checks the dissemination of certain publications that are harmful for young persons.

*Probation of Offenders Act 1958* restricts imprisonment of offenders under twenty-one years of age.

*The Orphanages and Other Charitable Homes (Supervision and Control) Act 1960* provides for the supervision and control of orphanages and homes for children.

*Apprentice Act 1961* states qualifications for persons above fourteen years of age to undergo apprenticeship training in any designated trade.

*The Medical Termination of Pregnancy Act 1971* stipulates when pregnancies may be terminated by registered medical practitioners.

*The Child Labour (Prohibition and Regulation Act 1986* prohibits employment of children in 13 occupations and 57 processes contained in Part A & B of the Schedule to the Act (Section 3). It regulates the condition of employment in all occupations and processes not prohibited under the Act (Part III). According to this Act, 'child' means a person who has not completed fourteen years of age.

*The Child Labour Prohibition Act, 2006* is imposed under the Child Labour (Prohibition and Regulation) Act, 1986 and is effective from 10th October, 2006. It bans domestic child labour. This Act prohibits employment of children as domestic servants or servants or in dhabas (roadside eateries), restaurants, hotels, motels, teashops, resorts, spas or in other recreational centres. The Ministry of Labour warns that anyone employing children in these categories would be liable to prosecution and other panel action under the Act, that is, fine up to Rs. 20,000/- or imprisonment up to two years.

*The Children (Pledging of Labour) Act 1933* prohibits pledging the labour of children.

*The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992* regulates the production, supply, and distribution of infant milk substitutes, feeding bottles, and infant feeds with a view to the protection and promotion of breastfeeding and ensuring the proper use of infant feeds and other incidental matters.

*The Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act 1994* regulates the use of pre-natal diagnostic techniques in order to detect genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and prevents the misuse of such technique for pre-natal sex determination leading to female foeticide.

*The Juvenile Justice (Care and Protection of Children) Act 2000* deals with juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection, and treatment fulfilling their developmental needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children, and for the ultimate rehabilitation through various institutions established under the Act.

In many general statutes also there are many provisions related to children. The areas of criminal law, family law, employment law have child-specific references. Criminal law plays an important role in protecting the rights of children. The Indian Penal Code (IPC) 1860 categorizes various offences and the punishment for these

offences. It also has special provisions that deal with causes of miscarriages and injuries caused to the unborn child (IPC Secs.312-318). In the event of child rape, consent cannot be a defense where a child is below sixteen years of age. Marital rape is recognized only if the wife is below fifteen years of age (IPC Secs. 375, 376). Punishment becomes much harsher in the case of rape by public servants and custodial rape [IPC Secs. 376 (a), (b), (c), (d)], this includes rape of children in institutions. There are provisions related to kidnapping, abduction and buying of minors for prostitution, slavery and forced labour (IPC 358-374). The Immoral Traffic Prevention Act 1956, amended in 1987 curbs trafficking of both boys and girls. Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act 1988 and Cable Television Network Regulation Act 1995 also have provisions related to children.

Family law has personal laws that differ according to the religion of the child. The rights of children born to Hindus are governed by the Hindu Marriage Act 1955 and the Hindu Succession Act 1956. Christian children are governed by the Indian Divorce Act 1860 and the Indian Succession Act 1925. Muslim personal law governs Muslim children in issues of marriage, maintenance, custody, guardianship, adoption, succession and inheritance. Parsi children are governed by the Parsi Marriage and Divorce Act 1936 and the Indian Succession Act 1925. Section 125 of the Criminal Procedure Code (CrPC) is for the maintenance of children avoiding destitution.

**Check Your Progress I**

**Note:** Use the space provided for your answer.

- 1) Discuss the constitutional safeguards for children in detail.

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- 2) How does legislation protect children? Explain

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## 2.4 POLICIES FOR CHILDREN

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The development of children determines the level of a nation's advancement. Many policy initiatives have been undertaken in India to guide programmes to ameliorate the condition of children in India. Some significant policies for children are as follows:

### National Policy on Children 1974

This policy considers the nation's children as a supremely important asset and observes that children's programmes should find a prominent place in national

plans for the development of human resources, so that children grow up to become robust citizens. The objectives of this policy are to provide adequate services to children, both before and after birth and through the period of growth; to ensure their full physical, mental and social development; and to 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 order to achieve these objectives, certain measures are suggested which includes a comprehensive health programme for children, free and compulsory education for children till the age of fourteen years, equality of opportunity for all children, protecting children from exploitation, cruelty and neglect, constituting National Children's Board, among others.

### **National Policy on Education (NPE) 1986 and its Programme of Action (POA) 1992**

Education is the birth right of each child. NPE 1986 and its POA 1992 is an important policy intervention highlighting early childhood care and education (ECCE) and elementary education with a child-centred approach. Part five on 'Reorganization of Education at Different Stages' includes ECCE that states recognizing the holistic nature of child development, viz. nutrition, health and social, mental, physical, moral and emotional development. ECCE will receive high priority and be suitably integrated with the Integrated Child Development Services (ICDS). Elementary education focuses on universal enrollment and universal retention of children upto fourteen years of age and a substantial improvement in the quality of education. This policy led to the launch of the National Elementary Education Mission 'Education for All' in 1993 and the District Primary Education Programme in 1994. Now, Sarva Shiksha Abhiyan seeks to achieve the goal of Universalization of Elementary Education of satisfactory quality by 2010.

### **National Policy on Child Labour 1987**

The policy focuses on rehabilitation of children working in hazardous occupations and processes. The Action Plan outlined in the Policy for tackling this problem is as follows: legislative action plan for strict enforcement of Child Labour Act and other labour laws to ensure that children are not employed in hazardous employments, and that the working conditions of children working in non-hazardous areas are regulated in accordance with the provisions of the Child Labour Act. It also entails further identification of additional occupations and processes, which are detrimental to the health and safety of the children; *focusing of general developmental programmes for benefiting child labour*. Since poverty is the main cause of child labour, the action plan emphasizes the need to cover these children and their families also under various poverty alleviation and employment generation schemes of the Government; project based plan of action envisages starting of projects in areas of high concentration of child labour. As a result, in 1988, the National Child Labour Project (NCLP) Scheme was launched in nine districts of high child labour endemicity in the country. The Scheme envisions running of special schools for child labour withdrawn from work. In the special schools, these children are provided formal/non-formal education along with vocational training, a stipend of Rs.100 per month, supplementary nutrition and regular health check ups so as to prepare them to join regular mainstream schools. Under the Scheme, funds are given to the District administration for running special schools for child labour. Most of these schools are run by the NGOs in the district. The coverage of the NCLP Scheme has increased from 12 districts in 1988 to 100 districts in the Ninth Plan.

### **National Plan for SAARC Decade of the Girl Child 1991-2000**

The member-states of the SAARC Region met at Male in 1990 and declared 1991-

2000 as the 'SAARC Decade for the Girl Child'. In response, the Government of India launched a National Plan of Action with the central theme 'Survival, Protection, and Development'. The purpose was to provide equal opportunities to the girl child acknowledging her low status in society. The main goals of the Plan were: survival and protection of the girl child and safe motherhood, overall development of the girl child, and special protection for vulnerable girl children in difficult circumstances and belonging to special groups.

### **National Nutrition Policy 1993**

The Policy states that widespread poverty resulting in chronic and persistent hunger is the single biggest bane of the developing world. The physical expression of this continuously re-enacted tragedy is the condition of under-nutrition which manifests itself among large sections of the poor, particularly amongst the women and children. 'Undernutrition' is a condition resulting from inadequate intake of food or more essential nutrient(s) resulting in deterioration of physical growth and health. Nutrition is a multi-sectoral issue and needs to be dealt with at various levels. Nutrition affects development as much as development affects nutrition. The nutrition policy instrument in its strategy states that the problem of nutrition has to be tackled both through direct nutrition intervention for specially vulnerable groups as well as through various development policy instruments which will create conditions for improved nutrition.

### **National Population Policy 2000**

The objectives of the policy are to meet the reproductive and child health needs, to bring the Total Fertility Rate (TFR) to replacement levels by 2010, to achieve a stable population by 2045 at a level consistent with the requirements of sustainable economic growth, social development, and environmental protection and to simultaneously address issues of child survival, maternal health, and contraception. In order to achieve these objectives, the policy formulated National Socio-Demographic Goals to be achieved in each case by 2010.

### **National Health Policy 2002**

The National Health Policy was last formulated in 1983. The main objective of this policy is to achieve an acceptable standard of good health amongst the general population of the country. The approach would be to increase access to the decentralized public health system by establishing new infrastructure in deficient areas, and by upgrading the infrastructure in the existing institutions. It seeks to ensure a more equitable access to health services across the social and geographical expanse of the country. The National Health Policy, 2002 endeavours to achieve the time-bound goals like reducing infant mortality rate to 30 per 1000 live births and maternal mortality rate to 100 per lakh live births by 2010, increasing health expenditure by Government as a per cent of GDP from the existing 0.9 per cent to 2.0 per cent by 2010, etc.

### **National Charter for Children 2003**

The Charter, adopted on 9th February 2004, emphasizes Government's commitment to children's rights. It intends 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. The policy sets forth goals to ensure and protect the survival, life and liberty of all children, promote high standards of health and nutrition, assure basic minimum needs and security, give importance to play and leisure, early childhood care, free and compulsory primary education, protection from economic exploitation and all forms of abuse, protection of the girl child, empowering adolescents, equality,

freedom of expression, freedom to seek and receive information, freedom of association and peaceful assembly, strengthening family, responsibilities of both parents, protection of children with disabilities, care, protection, welfare of children of marginalized and disadvantaged communities, ensuring child friendly procedures.

### National Plan of Action 2005

The plan commits itself to ensure all rights to all children upto the age of 18 years. It emphasizes survival, protection, development and participation of children. The guiding principles of the Plan of Action are:

- To regard the child as an asset and a person with human rights;
- To address issues of discrimination emanating from biases of gender, class, caste, race, religion and legal status in order to ensure equality;
- To accord utmost priority to the most disadvantaged, poorest of the poor and least served child in all policy and programmatic interventions; and
- 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 situation.

The Plan has identified twelve key areas keeping in mind priorities and the intensity of the challenges that require utmost and sustained attention. These are to reduce maternal mortality rate, reduce malnutrition among children, achieve 100 per cent civil registration of births, universalization of early childhood care and development and quality education for all children, achieving 100 per cent access and retention in schools, (including pre-schools), complete abolition of female foeticide, female infanticide and child marriage and ensuring the survival, development and protection of the girl child, improving water and sanitation coverage both in rural and urban areas, addressing and upholding the rights of children in difficult circumstances, securing for all children all legal and social protection from all kinds of abuse, exploitation and neglect, complete abolition of child labour with the aim of progressively eliminating all forms of economic exploitation of children, monitoring, review and reform of policies, programmes and laws to ensure protection of children's interests and rights, and ensuring child participation and choice in matters and decisions affecting their lives.

The Government shall ensure all measures and an enabling environment for survival, growth, development and protection of all children, so that each child can realize his or her inherent potential and grow up to be healthy and productive citizens. This calls for collective commitment and action by all sectors and levels of governments and partnership with families, communities, voluntary sector, civil society and children themselves. The Plan will be implemented throughout the country through national measures and through State Plans of Action for Children.

#### Check Your Progress II

**Note:** Use the space provided for your answer.

- 1) Discuss the main policies for the development of children in India.

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## 2.5 PROGRAMMES FOR CHILDREN

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The policies discussed earlier led to the formulation of programmes to achieve the goals declared for the well-being of children. There is also emphasis on child budgeting to analyze the allocations made by the government for the programmes related to children and to examine the relevance of these programmes for children's needs. Some important schemes for children are as follows:

### **Mid Day Meal Scheme**

In 1956, the erstwhile Madras State launched the mid-day meal programme of providing free meals to elementary school children. In 1995, with a view to enhance enrollment, retention and attendance and simultaneously improve nutritional levels among children, the National Programme of Nutritional Support for Primary Education (i.e. the national "mid-day meal scheme") was initiated. By 2001, a few states were providing cooked meals, but most were only giving monthly "dry rations" of food grain to school children. The number of states providing cooked meals rose sharply from early 2002 onwards, after a Supreme Court order (dated 28 November 2001) directed all State Governments to introduce cooked mid-day meals in primary schools. The scheme has been further revised to cover children in upper primary (classes VI to VIII) also.

### **Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers**

This scheme provides day-care services to children along with facilities of food, shelter etc. It was revamped in 2006. The present scheme provides assistance to non-governmental organizations for running crèches for infants (0-6 years) and ensuring sleeping facilities, healthcare, supplementary nutrition, immunization, etc. for running a crèche for 25 infants for eight hours.

### **The Shishu Greh Scheme**

This scheme is implemented by the Ministry of Women and Child Development and seeks to fulfill child development goals. The objectives of this scheme are to promote adoptions within the country, ensure minimum standards in care of children and provide institutional support within the country for care and protection of infants and children up to 6 years of age who are either abandoned or orphaned/ destitute and for their rehabilitation through in-country adoption.

### **Integrated Child Development Services**

The Government of India launched the Integrated Child Development Services - ICDS Scheme on 2nd October 1975, to commemorate the birth anniversary of the Father of the Nation, Mahatma Gandhi. The objectives are: (i) to improve the nutritional and health status of children below the age of six years and pregnant and lactating mothers; (ii) to lay the foundation for the proper psychological, physical and social development of the child; (iii) to reduce the incidence of mortality, morbidity, malnutrition and school drop-outs; to achieve effective coordination of policy and implementation among various departments to promote child development; (v) to enhance the capability of the mother to look after the normal health and nutritional needs of the child through proper health and nutrition education.

From the small beginnings of 33 blocks in 1975, ICDS has grown to become the world's largest and most unique early childhood development programme - an initiative unparalleled in history. Today ICDS has a network of 4200 projects covering nearly 75 per cent community development blocks and 273 urban slum pockets. Poised for universal coverage, ICDS reaches out to 4.8 million expectant and nursing mothers and 22.9 million children (under six years of age) of the disadvantaged groups. Of these, 12.5 million children (aged three to six years)



participate in centre-based pre-school activities. The Scheme provides a package of the following services to children below 6 years and pregnant and lactating mothers from disadvantaged sections: (i) supplementary nutrition; (ii) immunization; (iii) health check-up; (iv) referral services; (v) pre-school non-formal education; and (vi) nutrition and health education.

### **Sarva Shiksha Abhiyan (SSA)**

SSA is an effort to universalize elementary education by community-ownership of the school system. It is a response to the demand for quality basic education all over the country. This programme is also an attempt to provide an opportunity for improving human capabilities to all children, through provision of community-owned quality education in a mission mode. The programme aim is to provide useful and relevant elementary education for all children in the 6 to 14 age group by 2010. Another goal is to bridge social, regional and gender gaps, with the active participation of the community in the management of schools.

### **Scheme on Community Based Production of Nutritious Food**

The scheme provides supplementary food of high quality to vulnerable groups particularly pre-school children, pregnant and lactating mothers attending ICDS or creches/ balwadis run by the NGOs. The food prepared at these units is the 'Ready to Eat' (RTE) type prepared with roasted cereals and pulses or freshly cooked food.

### **Scheme for Working Children in Need of Care and Protection**

This scheme is for children working as domestic helps, at roadside dhabas, mechanic shops, etc. The scheme provides for bridging education and vocational training, medicine, food, recreation/sports equipments, etc.

### **Pilot Project to Combat the Trafficking of Women and Children for Commercial Sexual Exploitation**

This scheme is for providing care and protection to trafficked and sexually abused women and children in source and destination areas. It includes networking with law enforcement agencies, rescue operations, temporary shelters for the victims, repatriation to hometown and legal services, etc.

### **Commission for Protection of Child Rights Act 2005**

As envisaged in the Commissions for Protection of Child Rights Act 2005 notified in the Gazette of India on 20th January, 2006 as Act No. 4 of 2006, the Government has set up a National Commission for Protection of Child Rights (NCPCR) with effect from 5th March, 2007. The Commission deals with all matters relating to children, for proper enforcement of children's rights and for effective implementation of laws and programmes relating to children.

### **Report on Convention of the Rights of the Child and Its Two Optional Protocols**

The Ministry of Women and Child Development commissioned a National Study on Child Abuse titled "Child Abuse: INDIA 2007". The aim of the study was to develop a dependable and comprehensive understanding of the phenomenon of child abuse, with a view to facilitate the formulation of appropriate policies and programmes meant to effectively curb and control the problem of child abuse in India. The National Study on Child Abuse is one of the largest empirical in-country studies of its kind in the world. Some of the major findings of the study are that the younger children (5-12 years of age) report higher levels of abuse than the other age groups; boys, as compared to girls, are equally at risk of abuse; persons in trust and authority are major abusers; 70 per cent of abused child respondents

never reported the matter to anyone; two out of every three children are physically abused; two out of three children were victims of corporal punishment; the State of Andhra Pradesh, Assam, Bihar and Delhi have almost consistently reported higher rates of abuse in all forms as compared to other states. Children on the street, children at work and children in institutional care reported the highest incidence of sexual assault.

### **Integrated Programme for Street Children**

The scheme is for full and wholesome development of children without homes and family ties. It aims to prevent destitution and withdrawal of children from a life on the street and their placement into the national mainstream. The objectives are provision for shelter, nutrition, health care, sanitation and hygiene, safe drinking water, education and recreational facilities and protection against abuse and exploitation to destitute and neglected street children. The strategy is to develop awareness and providing support to build capacity of the Government (Central, State and Local), non-governmental organizations and the community at large to realize the rights of the child enshrined in the Convention on the Rights of the Child and in the Juvenile Justice Act, 1986. The programme endeavours to provide the support necessary for the wholesome development of street children particularly those without homes and family ties and children especially vulnerable to abuse and exploitation such as children of sex workers and children of pavement dwellers.

### **Central Adoption Resource Authority (CARA)**

It is an autonomous Body under the Ministry of Women and Child Development. Its mandate is to find a loving and caring family for every orphan/destitute/surrendered child in the country. CARA was initially set up in 1990 under the aegis of the Ministry of Welfare.

### **Integrated Child Protection Scheme (ICPS)**

This scheme is based on the cardinal principles of “protection of child rights” and “best interests of the child”. The ICPS aims to promote the best interests of the child and prevent violations of child rights through appropriate punitive measures against perpetrators of abuse and crimes against children and to ensure rehabilitation of all children in need of care and protection. The Ministry of Women and Child Development seeks to combine its existing child protection schemes under one centrally sponsored scheme of ICPS. This scheme aims to work with government and civil society partnership. The target group constitutes children in need of care and protection, vulnerable children, and children in conflict with law.

#### **Check Your Progress IV**

**Note:** Use the space provided for your answer.

- 1) Discuss in brief the programmes that ensure child rights in India.

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## **2.6 LET US SUM UP**

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In this unit we have discussed the policies and programmes for children in India. Children are an asset of a country and all steps have to be taken in their best

interest. India is committed to the rights of child and it ratified the Convention on the Rights of the Child in 1992. Various policies like National Policy on Children 1974, NPE 1986, National Nutrition Policy 1993, National Population Policy 2002 etc. highlight the importance of achieving targets to ensure development of children. In response, the programmes focus on critical areas of education, survival, health, safety and well-being of children.

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