Roles of Panchayats in Safeguarding the Rights of Children
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Preface

Children are smiles of our present and hopes of our future. They are human beings with natural and fundamental rights of their own. Children need to be heard and respected for their needs and desires. Just like a young sapling, children need extra care, support and an enabling environment to grow into individuals with will and determination. Children need to have easy access to learning, gaining education, nurturing their creativity and exploring the world. They need healthy and nutritious food, secure shelter, clothing and timely immunisations for normal physical and mental growth. Children are born innocent and their innocence helps them enjoy their childhood to the fullest. Their innocence needs protection from the evils of the society and for this it is the family, community, local government and the society that have to ensure the existence of a functioning security net for them. Children need an undeterred support system to fulfil all their rights as a child and have a joyous childhood with fond memories. Initially the notion of human rights was considered most important and child rights were assumed to be a part of these. It was over a period of time that the human rights agencies realised the need for separate rights for the child as they are a vulnerable group and require special focus. In spite of the 30 articles, UDHR did not cover many specific needs of the child as rights. Later during 1970’s-80’s child rights were given their due importance. United Nations Convention on the Rights of the Child drew its framework on two principal schools of thought that have contributed to the concept of child rights. The ‘Child Liberationist’ view which considers children as independent, free and individuals who should be treated with dignity and the ‘Child Protectionist’ view which concedes that children are immature, dependent and their care needs have to be looked after by adults and the society.

The 42 articles of UNCRC ensure that the rights of the child are fulfilled in every measure. On ratifying this convention and as its member, the Indian Government has enacted laws, adopted measures, implemented schemes and programmes to ensure that the rights of the child within the country are fulfilled, promoted in all spheres and protected against violations. The challenge that the country faces today is not putting a child rights law or scheme in place, but ensuring that the ones which are already implemented are able to provide complete protection to child rights. For this, the spade work needs to begin from our home turf. The local agencies or governing bodies in the local community settings are the closest to the realities of the day to day life. The elected representatives or the Panchayat members of the Panchayat Raj Institutions are the best suited actors in the scenario where child rights need to be upheld. Thanks to more flexible grants from Fourteenth Finance Commission and relatively more flexibilities in utilization of grants under different Central and State schemes, Panchayats now possess sufficient resources to act upon their for betterment of lives of children in their villages.

Panchayats and Municipalities are primary governing institutions responsible to think and act to provide functional support systems to children. It is imperative though that the representatives of Panchayats must act as ‘guardians’ of human rights at the local levels. Also after the recommendations of Fourteenth Finance Commission, Panchayats are receiving Rs.488 per capita flexible funds. Some of central schemes such as MNREGS et al have been made more flexible. All these provide good flexible resources to Panchayats for protecting and nurturing the children in their villages. Even if with good intentions and sufficient resources at their disposal, effective guardianship roles require that Panchayat members should be well versed and abreast with the laws and programmes that support and protect human rights in general and child rights in particular.

Panchayat members are political executives responsible for so many things. So, time is a big constraint for their intensive training. Moreover literacy levels of Panchayats across the country are quite varied. Under these circumstances, one way to keep them up to date with the latest child rights protection programmes is word of mouth or awareness generation campaigns. The other more effective way would be to conduct a simple but concise training session followed by refresher modules that would not only update their know-how on child rights but also would act as a reminder that they have responsibility laden shoulders in the community. This would ensure their continuous and active participation in child rights protection and be a helping hand to the central or nodal agencies whose efforts of enforcing laws rarely fructify.
The following training module has been prepared by PRIA (Participatory Research in Asia) for the sake of disseminating important and critical know-how on rights of the child in the international, national and local arena. The objective of this module is to deeply ingrain the knowledge on the rights of the child's protection and promotion within the mind-sets of the agents of child rights; and to be used as a sourcebook for building capacity of PRI's, urban local bodies and NGO’s to enable them to secure child rights, make informed choices and decisions. The change will begin when the society's psyche starts to change and the agencies working in the field are able to provide fulfilment of the rights without a worry.

This manual/module could not have been prepared without the support from UNICEF Hyderabad. We are grateful to UNICEF for providing this opportunity and support to complete this work. Mr Deepak Dey, Social Policy Specialist, UNICEF enriched the process of preparation with not only providing all logistic supports but also very valuable intellectual inputs. We value his contribution and so, express our sincere thanks to him. It is very difficult to name individually all those Panchayat members, Children groups, NGOs, Activists, scholars and institutions who directly contributed to this work by providing their valuable inputs. But we heartedly feel grateful to them. Thanks to heads and senior faculties of the institutions who hosted the national as well as state level consultations. These institutions are: CESS-Hyderabad, NIRD&PR-Hyderabad, TSIPARD-Hyderabad, ANSSIRD-Mysore, KILA-Thrissur, HIRD-Niolokheri, SIRD-Raipur and Organizations working with Children-Patna. The inputs from different consultations were most valuable inputs for improving the contents. Thanks to all the participants (more than hundred in numbers) who joined these consultations. Most of the reviewers of this work advised us to have most of information in this resource book but strictly warned to not make it a thick document. That is somewhat contradictory and so, most challenging. We tried our best to keep the balance. In doing so, PRIA’s team for this handbook was ably led by Dr Sakshi Saini. I express my appreciation and thanks to Sakshi and other colleagues. We look forward to further inputs and suggestions from readers to help us improve this work further.

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<td>KGBV</td>
<td>Kasturba Gandhi Balika Vidyalaya</td>
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<td>MWCD</td>
<td>Ministry of Women and Child Development</td>
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<td>NGO</td>
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Introduction

Traditionally children were thought of as property of their parents and in effect there were no separate rights for the child in the French Declaration of Rights of Man in 1780. It was only in the middle of the 19th century France, that there were laws put in place to enable progressive development, protect the children at workplace and right for the children to be educated. This movement started to spread across Europe in a positive way; but the World War I saw many children who lost their lives and many more who were left orphaned due to the fighting. The League of Nations was formed after the war to protect basic human rights standards. Eglantyne Jebb, a British teacher took action and drafted the Declaration of the Rights of the Child which was subsequently adopted by the League of the Nations. In 1924, the League of Nations adopted the Geneva Declaration on the Rights of the Child, however once again, World War II left millions of children unprotected, killed, gassed or orphaned. These atrocities acted as a catalyst in regulating human rights internationally thus leading to the adoption of UDHR in 1945. United Declaration of Human Rights mentioned children within article 25 – ‘Motherhood and Children are entitled to special care and assistance. All children whether born in or out of wedlock shall enjoy the same social protection’. In 1989, after much critical drafting, UN General Assembly adopted the UN Convention on the Rights of the Child in 1989 which came into force in 1990. The UNCRC has the status of an international law and promises all children respect, protection and fulfilment of all their human rights.

The Convention on the Rights of the Child represents a universally accepted charter for child rights. It is a set of international standards and measures intended to protect and promote the well-being of children in the society. The convention recognizes the exceptional vulnerability of children, and proclaims that childhood is entitled to special care and assistance. The convention is guided by a principle that the essential need of the children should be given highest priority in the allocation of resources at all times. It obligates the state to respect and ensure that children get equitable deal in the society. It emphasis on the importance of the family and the environment, that should provide with a conducive environment for the holistic development of the child. The convention also advocates concerted publication by all individuals and agencies to promote the rights of the child. Thus the convention is a means of empowering children and creating an environment in which all children are able to live feeling safe and secure and realize their full potential in life.

Child Rights in the Indian Context

India signed the United Nations Convention on the Rights of the Child (UNCRC) in 1992, and implemented national mechanisms, state mechanisms, regional mechanisms as well as international mechanisms in order to secure child rights within the country. Yet one look at the statistics from MOSPI 2012 report makes it apparent that the vulnerable children in the country are still highly susceptible to abuse and violence, child labour, child trafficking, armed conflict, illiteracy etc. In India, children constitute 39% of India’s total population of 1.21 billion, which essentially means that every sixth child in the world lives in India. There are various constitutional provisions, Union Laws, National Policies and Programs, and schemes in India guaranteeing rights and entitlement to Children. Thus, there is indeed a system to preserve and protect child rights in India but what needs to be studied is how effective these laws are on ground. The following statistics show the levels at which children are being denied their rights (MOSPI 2012):

- The percentage share of infant deaths to total deaths in rural areas is 15.8% as compared to 9.7% in urban areas.
- Rural India is witnessing more malnutrition among children below 5 years with higher percentages of stunted, wasted and underweight children.
- Share of girls in total enrolment at primary level is at 48.5% and at 48.1% at upper primary level (2009-10).
- India has around 10.12 million child labourers (5-14 years) as per National Census 2011. Rural children (12.9%) are more likely to be engaged in work than their urban counterparts (8.6%).
- Alarmingly in 2011, crimes against children reported an increase by 24% from the previous year.
Indian constitution recognizes that all children have the right to live in safety and dignity in a protective environment that ensures that children are in school, laws are in place to punish those who abuse and exploit children and communities are aware of the risks which children face and the government, the elected Panchayat members, grass root level functionaries and civil society address children’s ‘protection’ issues in an attempt to reduce their vulnerabilities. The Panchayat members’ commitment, in particular, to fully protect children’s rights and to create awareness in order to break the silence around children’s plight and to change attitudes, traditions, and practices that can be harmful to children, such as child marriages, female foeticide, child labour, would be the best possible way to ensure that the children are protected from neglect, abuse and exploitation. In every community, the Panchayat members are looked upon with great respect as protectors, especially of women and children. The Panchayat members also play a vital role in not only ensuring the development of the community but also that every member, especially women and children, live in safe environment with dignity and respect.

### Participatory Approach

Participatory approach in simpler terms is the approach which involves participation from the local governing bodies, local people and especially children in case of child rights promotion and protection. This approach is important from the perspective that local government can perceive and act better on human rights issues at the local levels. The local governing bodies and the people at the village level are more hands on with day to day life issues. Thus the central and state governments decide on macro policies and in a well-defined manner, with a restrictive set of powers, devolve powers and authorities to the locally elected governing bodies like the Panchayati Raj Institutions, and Urban Local Bodies. This type of empowering of local authorities is called democratic decentralization. Democratic decentralization encourages the local population in adopting a participatory approach while dealing with rights issues.

Participatory approach involves collective thinking and collective actions through the participatory planning, participatory implementation, participatory monitoring and participatory evaluation. This type of approach is very helpful and useful when it comes to working on a child centered planning for a village or community. Assuming while planning for the village development, serious child rights issues are highlighted by the local population and by the children themselves. In this scenario who is the best set of people who can help address the issue and offer long term solutions; obviously it is the children themselves since they are affected directly by these issues. So the children’s involvement in this case will begin from the participatory planning phase where they would be able to help in collating data and opinions for analysis; they would be able to help in the implementation phase by participating in the implementation committee and ensuring that the plan is implemented as per the set objectives; and lastly children’s role in the monitoring and evaluation would be crucial as they were the ones who highlighted the issues and they are the best judge of monitoring and evaluating the progress of the plan.

### Intended Audience for the Manual

This training manual has been prepared by Participatory Research in Asia (PRIA) in collaboration with UNICEF in order to disseminate critical and vital information regarding child rights. The targeted audience or the users of the manual would be Government Officials and NGO personnel, who are actively involved in working in the field of child rights protection and promotion. The aim of the training manual is to ensure that people who are directly involved in the field of offering protection to rights of the child, reporting child rights violations or promoting child rights for the local areas, are well versed with the rights of the child in the international as well as the national and local context. The manual’s primary objective however is to strengthen the capacities of Panchayats. So, its primary audience include Panchayat members, officials and trainers of Panchayati Raj Institutions.

By the end of the training manual, the user or trainee would have good comprehension of who is a child, what are child rights, what international as well as national agencies ensure child rights fulfilment, what are the laws protecting and promoting the rights of the child, what are the various child rights violations and most importantly how can the local governance body such as Panchayat Raj Institution, be pro-actively and effectively involved in ensuring that the rights of the child are protected, promoted and fulfilled in all its forms at the local levels.
Broadly the manual would cover two main aspects of child rights. One would be an in depth and foundational knowledge of child rights and second would be the practical application of participatory approach in achieving the fulfilment of child rights for all the children of a particular area. This module would not only equip the participant with a strong knowledge base, it would also train them to act as future trainers for the others. That would aid in a ripple effect thus enhancing the dissemination of necessary information in the rural settings in India.

**How to use the sourcebook?**

This sourcebook is divided in two main parts. The first part extensively covers what child rights are and why they need to be secured. The second part covers the participatory approach which involves in participation of the local level governing bodies, community members and especially children who are affected directly by the rights issues. The best way to use the sourcebook would be to first gain an insight and deep understanding into child rights from the first three modules. It is important to have a strong knowledge base before any action can be taken. The first three modules extensively cover the child rights, the issues, and the governing laws protecting child rights, various schemes and programmes, the role that the local governing bodies can play in ensuring the fulfilment of child rights. The last two chapters cover the participatory approach which should be the best suited for Panchayats and should be adopted when addressing the child rights issues at the local community levels. These modules also offer sample formats for exercises like data collection, data analysis, implementation, monitoring and evaluation. At the end of each module there is a short quiz which will help check your knowledge at the end of the respective module. The annexures and bibliography at the end of each module would offer the reference material for further information on the subject. Throughout the modules there are various group activities which would aid in team building and simultaneously give a practical example of dealing with the subject you’re currently studying. The various case studies and examples all throughout the modules would give a perspective to the topic in question.

**Intended Gain**

By the end of the entire training module it is expected that the participant would have gained in-depth knowledge of child rights, issues and laws protecting these. The participant would also be able to roll out a practical participatory planning, implementation, monitoring and evaluation process with the help of other trained members. The more this information and training is disseminated, the more close we get to the objective of securing and promoting child rights at grass roots level. Thus it is imperative that more and more people involved with child rights attend this training and gain the knowledge and information to bring about a difference in a country as great as ours; a child rights sensitive country that would eventually become the envy of the world and set an example for the way children need to be cared for, protected, nurtured, given opportunities, fulfil their rights and develop into the responsible citizens of tomorrow.
This module will build a foundation for the following modules of this training manual. The important aspects like who is a child, why do children need protection, why do they need rights of their own, what are child rights as per international agencies and how are these adopted and adapted in the Indian context, and how do Panchayat Raj Institutions fit into this frame; are the questions that will be discussed through the length of this module. The seven concise sections will offer a frame for a broader picture of how child rights came to be recognised and accepted throughout the world. A summary and a short quiz to check the participant knowledge will wrap up the module. The annexure at the end of the module will help as a reference material for detailed rights of the child in the international as well as national context. On completion of this module the participant is expected to develop a better insight and a more analytical perception on the rights of the child.

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Who is a ‘Child’?

United Nations Convention on the Rights of the Child is a comprehensive, binding agreement on the rights of children and was adopted by United Nations General Assembly in 1989. The UNCR’s definition of a child is, “A child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained”. In India, a child has been defined in the context of legal and constitutional provisioning. Thus a child domiciled in India attains majority at the age of 18 years.

What are child rights?

‘A right is an agreement or contract between the persons who hold a right and the persons or institutions which have obligations and responsibilities in relation to the realization of that right.’ As per UNCR, child rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 years regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability. UNCR recognizes the role of the parents and family in the care and protection of children as well as an obligation of the state to support them in carrying out their duties. The convention consists of 41 articles, each describing a different type of right (Booklet, 2010). In other human rights instruments economic, social and cultural rights are described separately from civil and political rights but in UNCR, these are all brought together in an innovative way. The convention considers the rights of the child as necessary for the full and harmonious development of the child’s personality and inherent to the dignity of the child. The four general principles defining the convention are:

1. that all the rights guaranteed by the Convention must be available to all children without discrimination of any kind (Article 2);
2. that the best interests of the child must be primary consideration in all actions concerning children (Article 3);
3. that every child has the right to life, survival and development (Article 6);
4. that the child’s views must be considered and taken into account in all matters affecting him or her (Article 12).

Indian Context: Child Rights are preserved and protected by the Indian government with the help of National Mechanisms, State Mechanisms, Regional Mechanisms and International Mechanisms. Several provisions in the Constitution of India impose on the States to have appropriate mechanisms for child protection. The government also implements National Policies from time to time; which are child centric and address important issues like Child Survival, Child Development and Child Protection. The various schemes / programs that follow the guidance of the national policies are implemented by different Central Ministries and State / UT governments work continuously to execute these programs. Yet, one look at the statistics and it becomes amply clear that the numerous focused initiatives addressing the various needs of the children are falling short of their mark, especially in the area of gender inequality which has barely seen a decline.

What is child protection?

UNICEF considers child protection as the prevention of incidence of abuse, exploitation, violence and neglect of children like commercial sexual exploitation, trafficking, child labour and harmful traditional practices such as female genital mutilation and child marriage. Child Protection also allows children to have access to their other rights of survival, development, growth and participation. According to the Integrated Child Protection Scheme (ICPS), child protection means keeping children safe from a risk or perceived risk to their lives or childhood. It recognises that children are vulnerable and thus the vulnerability needs to be reduced by offering them protection from harm and harmful situations. Such schemes ensure a security net is available for the children to fall back on, and in case they fall out of the realm of this net, it is the system’s responsibility to rehabilitate them back into this security net. Protection of the child is one of the Rights but is more than a right. It is a framework or a system that consists of various duty bearers like the police, schools, government and civil society who have to play their respective roles to ensure that child rights are fulfilled. In this case protection is a means through which other rights of the child can be upheld. (Child Line Website)
Example: A ten year old child runs away from home because he cannot tackle the stress of performing well in school. He catches a train and reaches another state. His parents lodge a complaint with the police. He ends up being sucked in a begging racket and endures physical and mental abuse for many days. An NGO working with railway children finds him and provides him with shelter, food and education. When he starts to feel safe and secure within the NGO shelter premises, he discusses his traumatic experiences and reveals his address to the NGO personnel. Within days, he is reunited with his family who promise to take care of all his needs.

<table>
<thead>
<tr>
<th>CHILD PROTECTION</th>
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<tr>
<td><strong>PREVENTION</strong></td>
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<tr>
<td>Law &amp; Policies</td>
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<td>Processes &amp; Protocols</td>
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<td>Mechanisms &amp; Systems</td>
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<td>Monitoring</td>
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<td>Sensitisation &amp; Awareness</td>
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Child Rights & You!
Group Activity 1 (10 min)

Objective: To express and share opinions on what rights of the child are critical.

Form a group of 3-6 members and consider the question: “What different rights should children have for a fulfilled childhood?” You will need a pencil and a paper. Discuss the question as a group and have one person write down your answers. Then, compare your answers with child rights that are formally constituted in India (Section 1, Annexure I). Check to see how many answers matched the constituted rights, and how many you were unaware of.

What is UNCRC?

UNICEF is an important UN body which has been working globally for 70 years as a leading humanitarian and development agency, for the rights of every child. The agency believes that child rights begin with safe shelter, nutrition, protection from disaster and conflict, pre-natal care for healthy births, clean water and sanitation, health care and education. Nearly 25 years ago, the world realized the need to work together with an exclusive treaty since declarations are not binding on state parties. This was crucial for protection and promotion of child rights, for children to survive and thrive, to learn and grow, to make their voices heard and to reach their full potential. The UN Convention on the Rights of the Child was adopted by the UN General Assembly in 1989. The convention brought together children’s human rights from other international instruments and articulated the rights more completely by providing a set of guiding principles that fundamentally shape the way children are viewed in the world. It is the most widely ratified human rights treaty in the world with the exception of the United States of America and Somalia who have not ratified it. UNICEF helps to strengthen laws and policies and also to improve an understanding of the Convention at all levels of the society; and is the only organization specifically named in the UNCRC as a source of expert assistance and advice. Using UNCRC articles as a foundation gives a holistic approach to adults and communities to be able to place rights of the child at the centre of planning. This further aids in supporting children in developing their skills, knowledge, attitudes and values that will in turn enable them to understand the world better and grow into responsible and capable individuals. (UNICEF website)

UNCRC Articles (Annexure I, Section 3):

The Articles of the UNCRC fall into four specific categories:

- Right to Survival:
  - Children have a right to live, to have a name and nationality, and to be with their families as far as possible. If a child is to be adopted, all decisions pertaining to the child must be taken keeping the best interests of the child afore.
  - Children have the right to good quality health care, special care if they have disabilities, and to clean water, nutritious food, and clean environment. The State Parties have to aid families in the provision of these.
• Right to Development:
  o Children have the right to good education that is free at least up to the elementary level.
  o Schools should be places where children are respected and treated with dignity. Children should be able to develop their personality and talents.
  o Children have the right to learn and use the language and customs of their family.
  o Children have the right to relax and play.
  o The State Parties must protect children from work that is dangerous or is a deterrent to their development.

• Right to Protection:
  o Children should be protected from violence, sexual abuse, neglect and dangerous drugs.
  o The State Parties must ensure and provide protection to all children against human trafficking.
  o Children who have committed a crime need to be rehabilitated and not punished.
  o Children in war zones and those who have been neglected or abused should be given special care.

• Right to Participation:
  o Children have the right to say what they think when adults are making decisions about them.
  o Children have the right to get information from books, TV, radio and newspapers.
  o Children have the right to think and believe what they want, practice their religion, and seek guidance from parents and family.
  o Children have a right to meet together, associate and make friends as long as these associations don’t harm them.

Rights of the Child in India

As a member state of the UN Convention on the Rights of the Child, India is bound to implement the rights. The Committee on the Rights of the Child, monitors India’s implementation of the Convention. The Government of India ratified the Convention on 10th December 1992. The text of the ratification reads as:

“While fully subscribing to the objective and purpose of the convention, realizing that certain of the rights of the child. Namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international cooperation, recognizing that the child has to be protected from exploitation, nothing that for several reasons children of different ages do work in India, having prescribed minimum hours and conditions of employment, and being aware that it is not practical immediately to prescribe minimum age for admission to each and every area of employment in India the Government of India undertakes to take measures to progressively implement the provision of Article 32(a) particularly paragraph 2 (a), in accordance with the national legislation and relevant international instruments to which it is a state party.”

The Indian Constitution accords rights to children as citizens of the country and has enacted special laws in keeping with their special status. The Indian Constitution encompasses most of the rights included in the UNCRC as Fundamental Rights or Directive Principles of State Policy. Whereas on one hand Fundamental Rights are protected and justifiable in the court of law; on the other hand the directive principles are mere positive directions to state parties and are not justifiable in the court of law. Yet some of the directives have enabled judiciary to give landmark judgements promoting children’s rights leading to constitutional amendments. The Indian laws and several policies address children’s needs and rights with a holistic approach while keeping different age groups and categories of children in mind. The various child rights mechanisms in India include the following. (Annexure I, Section 2)
**National Level:**
- The Indian Constitution
- Child Related Policies
- Child Related Legislations
- National Actors
- Child Targeted Schemes & Programmes

**State Level:**
- Notable state policies, programmes and legislations
- State actors
- State departments
- Comparative data on the status of the children

**Regional Level:**
- South Asian Association for Regional Cooperation
- Asian Human Rights Commission
- Association of South East Asian Nations
- European Union and Child Rights

**International Level:**
- United Nations
- Millennium Development Goals
- International Labour Organisation
- Child Rights Information Network
- Child Helpline International
- International Juvenile Justice Observatory

A Comparative Table of Provisions for Children in UNCRC and Constitution of India

<table>
<thead>
<tr>
<th>S No</th>
<th>UNCRC</th>
<th>Constitution of India</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Article 2 (Non-discrimination): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from.</td>
<td>Article 15: The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them</td>
</tr>
<tr>
<td>2</td>
<td>Article 4 (Protection of rights): Governments have a responsibility to take all available measures to make sure children’s rights are respected, protected and fulfilled. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met.</td>
<td>Article 15 (3): Nothing in this article shall prevent the State from making any special provision for women and children</td>
</tr>
<tr>
<td>3</td>
<td>Article 13 (Freedom of expression): Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others.</td>
<td>Article 19(1) (a): All citizens shall have the right to freedom of speech and expression</td>
</tr>
<tr>
<td>4</td>
<td>Article 6 (Survival and development): Children have the right to live. Governments should ensure that children survive and develop healthily.</td>
<td>Article 21: Protection of life and personal liberty-No person shall be deprived of his life or personal liberty except according to procedure established by law</td>
</tr>
<tr>
<td>5</td>
<td>Article 28: (Right to education): All children have the right to a primary education, which should be free.</td>
<td>Article 21A: Free and compulsory education for all children of the age of 6 to 14 years</td>
</tr>
<tr>
<td>6</td>
<td>Article 35 (Abduction, sale and trafficking): The government should take all measures possible to make sure that children are not abducted, sold or trafficked.</td>
<td>Article 23: Prohibition of traffic in human beings and forced labour-(1) Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law</td>
</tr>
<tr>
<td>7</td>
<td>Article 32 (Child labour): The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age.</td>
<td>Article 24: Prohibition of employment of children in factories, etc. -No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment</td>
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</tbody>
</table>
8 | **Article 34 (Sexual exploitation):** Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography. **Article 36 (Other forms of exploitation):** Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

9 | **Article 28 (Right to education):** All children have the right to a primary education, which should be free.

10 | **Article 45:** The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

**Article 47:** The State shall regard the raising of the level of nutrition and standard of living of its people and the improvement of public health as among its primary duties.

**Article 47 (G) read with Schedule XI:** Provide for institutionalization of child care and protection by seeking to entrust programmes of Women and Child Development and other ministries and central and state Governments to Panchayats (Entries 10, 11, 16, 19, 23, 24, 25, 26 & 27).

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**The Child in Me!**

**Group Activity 3 (10 min)**

**Objective:** To see from the eyes of a child and realise the grey areas in a community, that make them feel unsafe.

Move out of your training room into an open area. Stand in a large circle and imagine yourselves to be school children attending school in a rural India setting. Now, by raising your hands, share one thing that makes you feel safe and secure in your community and one thing that makes you feel unsafe and insecure. Create a discussion around the unsafe and insecure points.

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**Role of Panchayats**

All rights endorsed by the UNCRC are inter-dependent and indivisible. However, due to the nature of the rights they are divided into Immediate Rights (Civil & Political) and Progressive Rights (Economic, Social & Cultural Rights). Protection rights fall under immediate rights and therefore demand immediate attention and intervention. Protection rights are recognised in the CRC under Article 4, “With regard to economic, social and cultural rights, State Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.”

Immediate family and community is the first layer of learning environment a child is exposed to. It becomes imperative; almost critical for this immediate environment to ensure that a child feels secure and safe and is able to learn and grow without resistance. In rural settings, Panchayats play a vital role in ensuring and securing child rights especially the Right to Protection of Children. It is the primary responsibility of the Panchayat members to provide protection to all children in their constituency against exploitation, abuse, inhuman or degrading treatment and neglect. Apart from the vulnerable categories of children like homeless children, migrant children, street children, orphaned children, working children, trafficked children etc. Girl child is considered most vulnerable by the advocates of child rights. Also, it is the Panchayat members’ responsibility to break age old myths which may add to ignorance and compromise the safety of the children like, children are never abused or exploited because society loves them; home is the safest haven; there is no need to worry about a male child and they don’t need protection etc.

As a Panchayat member one can follow some helpful steps in order to secure rights of the child especially the right to protection of the children in the respective area:
• Understand child rights as human rights and create awareness amongst others.
• Discuss child rights issues regularly during Gram Sabhas and Panchayat meetings keeping the focus on protection of the child afore.
• Set up a child protection monitoring unit or cell where child rights issues can be reported including missing children.
• Keep abreast with government’s schemes aimed at child welfare and identify the families in your area who can benefit from them.
• Create a liaison mechanism with important actors in the community like police, Panchayat secretary, school teachers, Aganwadi Workers, ANM’s, block/taluka/mandal and zilla Panchayat members, block development officer, community development officer and district magistrate or district collector.

Bust the Myths!
Group Activity 4 (10 min)

Objective: To highlight age old myths around how children are never ill-treated or abused since the golden age.

Form groups of 3-6 and sit with a pen/pencil and paper to discuss the myths around how children are never harmed.
Cite examples from daily life and news about the unsafe environment for the children even in the rural sector.

Summarising

Child rights have been stressed internationally by UNCRC and in India by NPCR, 2013. India has adopted the rights of the child articles defined in the UNCRC and adapted them well in the local context depending on the local needs. The Indian constitution and various other laws and schemes recognize that children are entitled to live in a safe and dignified environment within the country. The four important rights for children i.e. - Right to Survival; Right to protection; Right to development and; Right to participation lay the foundation of the child rights related laws and programmes in India. In spite of the vast number of

United Nations Convention on the Rights of the Child accords to every child around the world, a set of rights which give them freedom to be born, environment to grow healthily, be treated with dignity, make choices and have a joyous childhood. These apply equally to both girls and boys up to the age of 18, even if they are married and have children of their own; the convention is guided by the principles of ‘best interest of the child’ and ‘non-discrimination’ and ‘respect for views of the child’; it emphasises the importance of the family and the need to create an environment that is conducive to the healthy growth and development of the children; it obligates the state to respect and ensure that children get a fair and equitable deal in the society and; it draws attention to four sets of civil, political, social, economic and cultural rights: survival, protection, development and participation.

PRIA and Unnati were working in Jodhpur district for strengthening the leadership of Dalits in Panchayats. It was quite obvious that knowingly or unknowingly dalit children in local government schools were mal-treated. However, officially there was no such problem in the schools. When Panchayats intervened, it was found that dalit children were asked to sit in back of the class and even drinking water tapes for dalit and non-dalit children were different. Panchayats in Jodhpur started closely interacting with their children and school children to ensure that all discriminatory practices are abolished sooner. Thus Panchayats not only protected equality rights of children but also ensured better education for children by having a close watch on functioning of the schools.

(Case Studies from PRIA)
measures taken to provide children with protection, India seriously lags behind in fulfilling child rights. What concludes at the end of this module is that the measures and implementation are in place; it is the full utilisation of the measures, reporting system and a security net which is lacking and thus leads to violations of child rights within the country.

Panchayat Raj Institutions play a crucial role at the local governance level in ensuring the rights of the child. Since the Panchayat members mostly belong to the same set up where they are elected; they are well aware of day to day issues of the community, the culture and the general environment of the community, local people and their opinions and the children in the community. Thus it is imperative to decentralise the model of governance which ensures that the rights of the child are protected, promoted and fulfilled in every form. This gives impetus to the concept of empowering the Panchayat members with knowledge, information, onus and responsibilities to enable the child rights centric laws and programmes to run effectively.

Test Yourself

1. After Which World War was the League of Nations formed? ________________________________________________

2. UNCRC seeks advice and guidance from ______________________________________________________________

3. Write the full forms:
   a. UNCRC -  
   b. UNICEF -  
   c. NCPCR -  
   d. ASEAN -  

4. What is the age defining a child as per UNCRC? __________________________________________________________

5. Is protection a right of the child? _________________________________________________________________

6. How many articles are there in UNCRC? ______________________________________________________________

7. Write the four categories of rights under UNCRC articles
   a.  
   b.  
   c.  
   d.  

8. When did India ratify UNCRC? ________________________________________________________________

9. True or False:
   a. Fundamental Rights are not justifiable in the court of law ______________________________________________
   b. Directive principles are mere positive directions for the state parties ________________________________

10. What falls under Progressive Rights:
    a.  
    b.  
    c.  

11. What falls under Immediate Right:
    a.  
    b.  

Bibliography

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Websites

- Child Line: http://www.childlineindia.org.in/Child-Related-Policies.htm#
- HAQ CRC: http://www.haqcrc.org/
- PRIA: http://www.pria.org/
- UNICEF: http://www.unicef.org/

ANNEXURES

ANNEXURE-1

SECTION 1: Child Rights Provisioned in the Indian Constitution (ChildLine India Website)

**Article 14:** The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India;

**Article 15:** The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them;

**Article 15 (3):** Nothing in this article shall prevent the State from making any special provision for women and children;

**Article 19(1) (a):** All citizens shall have the right (a) to freedom of speech and expression;

**Article 21:** Protection of life and personal liberty - No person shall be deprived of his life or personal liberty except according to procedure established by law;

**Article 21A:** Free and compulsory education for all children of the age of 6 to 14 years;

**Article 23:** Prohibition of traffic in human beings and forced labour - (1) Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law;

**Article 24:** Prohibition of employment of children in factories, etc. -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 39:** The state shall, in particular, direct its policy towards securing: 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 vocations unsuited to their age or strength; 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 45:** The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

**Article 47:** The State shall regard the raising of the level of nutrition and standard of living of its people and the improvement of public health as among its primary duties.

**Article 243 (G) read with Schedule XI:** Provide for institutionalization of child care and protection by seeking to entrust programs of Women and Child Development and other ministries and central and state Governments to Panchayats (Entries 10, 11, 16, 19, 23, 24, 25, 26 & 27)

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**SECTION 2: National Policies and Legislations on Child Rights in India**

"Policies"

**National Policy on Education, 1986:** Formulated by the national government to **promote education from elementary education to colleges** in both rural and urban India. Emphasizes three aspects in relation to elementary education: Universal access and enrolment; Universal retention of children up to 14 years of age; and a substantial improvement in the quality of education to enable all children to achieve revival of Sanskrit and other classical languages for contemporary use

**National Policy on Child Labour, 1987:** Adopts a gradual & sequential approach with focus on **rehabilitation of children working in hazardous occupations**. Envisioned **strict enforcement of Indian laws on child labour** combined with development programs to **address the root causes of child labour** such as poverty.

**National Nutrition Policy, 1993:** Outlined **nutritional status of India** adding to existing mechanisms addressing the issue of mal-nutrition and under-nutrition (i.e., Integrated Child Development Services (ICDS), Special Nutrition Programme, and Wheat-Based Nutrition Programme etc.). Recommended expansion of ICDS and similar programmes to: reach all children in India; give mothers sound information and support to care for children, monitor growth, and improve nutrition; include adolescent girls and expecting mothers in programme provisions; and ensure availability to nutritious food and production at low-cost for poorer families.

**National Policy on Health, 2002:** Endorsed by Parliament of India in 1983, updated in 2002. Attempts to address unequal access to health services for all children aged 0-18 years-old.

Proposed increased primary health expenditure to open more health care centres; improved delivery of necessary drugs through increased central government funding; additional and supplementary training of health sector professionals; and prioritized school health-education programmes teaching preventive techniques that encourage children to learn appropriate health-seeking behaviours.

**National Charter for Children, 2004:** Intends to secure every child's right to a healthy and happy childhood, addressing causes that negate their healthy growth and development, and awakening the conscience of community to protect children from all forms of abuse, while strengthening the family, society and nation. It outlines child protection as: Survival, life and liberty; Protection from economic exploitation and all forms of abuse; Protection of the girl child; Care, protection, welfare of children of marginalised and disadvantaged communities; and Ensuring child-friendly procedures.

**National Plan of Action for Children, 2005:** Formulated by the Department of Women and Child Development (now MWCD) in 2005 to ensure all rights to children below 18 years-of-age. Affirms government commitment towards ensuring survival, growth, development, and protection of all children and their rights; encourages individual State Plans of Action for Children in line with NPAC; and identifies additional priorities including child participation and the monitoring and review of policies and programmes. NPAC also stresses the need for budgetary allocations to achieve child protection goals.
**National Policy for Children 2013**: Reiterates India’s commitment to safeguard, inform, include, support and empower all children within its borders, both in their individual situation and as a national asset. The State’s affirmative measures may include – legislative, policy or otherwise – to promote and safeguard the right of all children to: live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged, and have equal opportunities. Thus, no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights.

“Legislations”

**Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994**: Regulates use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders, chromosomal abnormalities or certain congenital malformations or sex-linked disorders, and prevents misuse of such techniques for prenatal sex determination leading to female foeticide and for matters connected therewith or incidental thereto.

**Child Labour (Prohibition and Regulation) Act, 1986**: Formulated to eliminate child labour; demands punishments and penalties for those employing children younger than 14 years-old for hazardous occupations. Provides power to State governments to make rules with reference to the health and safety of children, wherever their employment is permitted; regulate working conditions (including fixed hours of work and weekly holidays, and notice to inspectors); resolve disputes as to age, maintenance of registers, etc. Impact: Through a recent notification, child domestic workers up to 14 years of age working in hotels and ‘dhabas’ have been brought within the purview of the Act. It is one step towards the total elimination of child labour.

**Juvenile Justice (Care and Protection of Children) Act, 2000**: Provides for proper care, protection and treatment of children in conflict with law and children in need of care and protection. Caters to development needs, and adopts child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under the Act. It conforms to UNCRC, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty and all other relevant national and international instruments. It indicates that all those under 18 years-of-age are ‘children’. It creates distinction between juvenile offender and the neglected child. Aims to offer juvenile or child increased access to justice by establishing Juvenile Justice Boards and Child Welfare Committees. Laid special emphasis on rehabilitation and social integration of children and has provided for institutional and non-institutional measures for the care and protection of children. The non-institutional alternatives include adoption, foster care, sponsorship, and after care.

**Commissions for the Protection of Child Rights Act, 2005**: Provides for the constitution of a National as well as State Commissions for the protection of child rights in every State and Union Territory. The functions and powers of the National and State Commissions will be to:

- Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation
- Prepare and present annual and periodic reports on the working of these safeguards
- Inquire into violations of child rights and recommend initiation of proceedings where necessary
- Undertake periodic review of policies, programmes and other activities related to child rights with reference to treaties and other international instruments
- Spread awareness about child rights among various sections of society
- Establish Children’s Courts for speedy trial of offences against children or of violation of child rights
- Get State governments and UT administrations to appoint a Special Public Prosecutor for every Children Court

**The Prohibition of Child Marriage Act, 2006**: The Child Marriage Restraint Act, 1929 has been repealed and the major provisions of the new Act include: allow a child marriage to be voided, with conditions to
recompense and house the female contracting party, and with provisions for punishment of persons involved in the marriage of a child, and a Child Marriage Prohibition Officer.

- Every child marriage shall be voidable at the option of the contracting party who was a child at the time of the marriage
- The Court while granting a decree of nullity shall make an order directing the parties, parents and guardians to return the money, valuables, ornaments and other gifts received
- The Court may also make an interim or final order directing the male contracting party to the child marriage or parents or guardian to pay maintenance to the female contracting party to the marriage and for her residence until her remarriage
- The Court shall make an appropriate order for the custody and the maintenance of the children of child marriages
- Notwithstanding that a child marriage has been annulled, every child of such marriage shall be deemed to be a legitimate child for all purposes
- Child marriages to be void in certain circumstances such as a minor being sold for the purpose of marriage, a minor, after being married, is sold or trafficked or used for immoral purposes etc.
- Enhancement in punishments for male adults marrying a child and persons performing, abetting, promoting, attending etc. a child marriage with imprisonment up to two years and a fine of up to one lac rupees
- States to appoint Child Marriage Prohibition Officers whose duties include prevention of solemnisation of child marriages, collection of evidence for effective prosecution, creating awareness and sensitisation of the community etc.

Right of Children to Free and Compulsory Education Act, 2009: The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school that satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words ‘free and compulsory’. ‘Free education’ means that no child, other than a child who has been admitted by his or her parents to a school that is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.

‘Compulsory education’ casts an obligation on the appropriate government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. With this, India has moved forward to a rights-based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, and in accordance with the provisions of the RTE Act.

Protection of Children against Sexual Offences (POCSO) Act, 2012: The Protection of Children from Sexual Offences Act (POCSO), 2012 has been drafted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. The POCSO Act prescribes five sexual offences against children - penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, and using a child for pornographic purposes. Abetment of or an attempt to commit these offences is also punishable under the Act. These offences are gender neutral vis-à-vis the perpetrator as well as the victim. The Act requires the State Governments to designate the Sessions Court in each district as a Special Court to try offences under the Act. If, however, a Children’s Court under the Commissions for Protection of
Participatory Research In Asia

Child Rights Act, 2005 or Special Court for a similar purpose has been notified in a district, then that court will try offences under this Act (see Annexure I, Section 3 for the relevant Indian Penal Code).

The Indian Penal Code: The Indian Penal Code (IPC) is the main criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The code was drafted in 1860 on the recommendations of first law commission of India established in 1834 and it came into force in British India in 1862. The Code has since been amended several times and is now supplemented by other criminal provisions. The objective of the act is to provide a general penal code for India. It has a list of offences against children.

- a) Foeticide (Sections 315 and 316)
- b) Infanticide (Section 315)
- c) Abetment of Suicide: Abetment to commit suicide of minor (Section 305)
- d) Exposure and Abandonment: Crime against children by parents or others to expose or to leave them with the intention of abandonment (Section 317)
- e) Kidnapping and Abduction:
  - Kidnapping for extortion (Section 360)
  - Kidnapping from lawful guardianship (Section 361)
  - Kidnapping for ransom (Section 363 read with Section 384),
  - Kidnapping for camel racing etc. (Section 363)
  - Kidnapping for begging (Section 363-A)
  - Kidnapping to compel for marriage (Section 366)
  - Kidnapping for slavery etc. (Section 367)
  - Kidnapping for stealing from its person: under 10 years of age only (Section 369)
- f) Procurement of minor girls by inducement or by force to seduce or have illicit intercourse (Section 366-A)
- g) Selling of girls for prostitution (Section 372)
- h) Buying of girls for prostitution (Section 373)
- i) Rape (Section 376)
- j) Unnatural Sex (Section 377)

SECTION 3: UNCRC Provisions for Child Rights (Child Rights Alliance Booklet)

Article 1 (Definition of the child): The Convention defines a ‘child’ as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 2 (Non-discrimination): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from.

Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

Article 4 (Protection of rights): Governments have a responsibility to take all available measures to make sure children’s rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must
help families protect children’s rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones.

**Article 5 (Parental guidance):** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle.

**Article 6 (Survival and development):** Children have the right to live. Governments should ensure that children survive and develop healthily.

**Article 7 (Registration, name, nationality, care):** All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

**Article 8 (Preservation of identity):** Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

**Article 9 (Separation from parents):** Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

**Article 10 (Family reunification):** Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family. For every child Health, Education, Equality, Protection advance humanity.

**Article 11 (Kidnapping):** Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention’s Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

**Article 12 (Respect for the views of the child):** When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making -- not give children authority over adults. Article 12 does not interfere with parents’ right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child’s participation in decisions must be appropriate to the child’s level of maturity. Children’s ability to form and express their opinions develops with age and most adults will naturally give the views of teen-agers greater weight than those of a preschooler, whether in family, legal or administrative decisions.

**Article 13 (Freedom of expression):** Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing or writing.

**Article 14 (Freedom of thought, conscience and religion):** Children have the right to think and believe what they want and to practice their religion, as long as they are not stopping other people from enjoying their rights. Parents should help guide their children in these matters. The Convention respects the rights and duties of parents in providing religious and moral guidance to their children. The Convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The Convention supports children's right to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.
**Article 15 (Freedom of association):** Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights. In exercising their rights, children have the responsibility to respect the rights, freedoms and reputations of others.

**Article 16 (Right to privacy):** Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

**Article 17 (Access to information; mass media):** Children have the right to get information that is important to their health and well-being. Governments should encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand.

**Article 18 (Parental responsibilities; state assistance):** Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children – the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

**Article 19 (Protection from all forms of violence):** Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behaviour – ones that are non-violent, are appropriate to the child’s level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

**Article 20 (Children deprived of family environment):** Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

**Article 21 (Adoption):** Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born, or if they are taken to live in another country.

**Article 22 (Refugee children):** Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

**Article 23 (Children with disabilities):** Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

**Article 24 (Health and health services):** Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

**Article 25 (Review of treatment in care):** Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on “the best interests of the child” (see Guiding Principles, Article 3).

**Article 26 (Social security):** Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.
Article 27 (Adequate standard of living): Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

Article 28: (Right to education): All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children’s dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child’s human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect.

Article 29 (Goals of education): Children’s education should develop each child’s personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights of their parents, and education should aim to develop respect for the values and culture of their parents.

Article 30 (Children of minorities/indigenous groups): Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one’s own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

Article 31 (Leisure, play and culture): Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

Article 32 (Child labour): The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age. If children help out in a family farm or business, the tasks they do be safe and suited to their level of development and comply with national labour laws. Children’s work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

Article 33 (Drug abuse): Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

Article 34 (Sexual exploitation): Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 35 (Abduction, sale and trafficking): The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 36 (Other forms of exploitation): Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

Article 37 (Detention and punishment): No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.

Article 38 (War and armed conflicts): Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention’s Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.
| Article 39 (Rehabilitation of child victims): | Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child. |
| Article 40 (Juvenile justice): | Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings. |
| Article 41 (Respect for superior national standards): | If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply. |
| Article 42 (Knowledge of rights): | Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.) |
| Articles 43-54 (implementation measures): | These articles discuss how governments and international organizations like UNICEF should work to ensure children are protected in their rights. |
The previous module has given a fair understanding of the definition and the nature of child rights. The types of rights of the child accorded by the government through its laws and programmes have gained ample clarity in the module. Moving on to the next module of the manual, it is important to acquire detailed knowledge and information on the types of laws and policies that are in place to secure child rights within the country.

This module will explain how each child right centric law works and what it offers to uphold the rights of the child in India. Apart from laws, there are various policies and schemes as well which work on areas well defined by the law but not detailed out. These policies work well to achieve the broader objective of the laws by offering food, shelter, education, clothing, protection etc. to the children in India. By the end of this module the participant will be able to correlate laws, policies and schemes that strive hard to protect child rights in India.

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India has displayed a remarkable potential to achieve its targets. However from a child rights perspective, there hasn’t been much success with the promotion and protection of the rights of the child. Although India is one big country but its inhabitants are of various ethnicities and thus the analyses and the reports that are projected at the national level mask the level of genuine development. Only a few states in India have been able to reduce to some extent the gap defined by caste, class, gender; other states haven’t reached that far either. Children whose parents belong to socially and economically backward communities continue to face far greater deprivation than other children. A good data base with accurate reported facts and figures can define the efficacy of a policy. In India the basic statistics on indicators relating to morbidity, education, nutritional well-being and so one are not systematically collected and presented at the State, Union Territory or National level. What provides some solace is that India realizes the reporting mechanism has its loop holes and is keen to adopt corrective measures; accept the challenge and meet the goals it has set for itself as far as rights of the child are concerned.

Who is a Child in India?

At what age does a person cease to be a child is topic of constant debate in India. As per UNCRC, a child means every human being below the age of 18 years unless under the law applicable to the child majority is attained earlier. This definition essentially allows individual countries to determine at their own discretion the age limits of a child in their laws. In India, various laws related to children define children in different age limits. For Instance Census of India and many child rights centric Programmes consider any person below the age of 14 years as a child. The Juvenile Justice Act 2000 considers any person below the age of 18 years as a child. Due to its umbrella clauses and it being the latest law to be enacted regarding child rights and protection, the Juvenile Justice Act 2000 is being advocated by many to be considered as the legal definition for a child in all matters. Refer Annexure I Section 1 for details on various age limits as per various laws in India.

National Mechanisms for the Rights of the Child

1. The Constitution of India

India, also called Bharat, is a Union of States and is a Sovereign Socialist Secular Democratic Republic with a parliamentary system of government. The governing body, Constitution of India, adopted by the Constituent Assembly on 26th November, 1949 came into force on 26th January, 1950 and provides for a Parliamentary form of government which is federal in structure and unitary in features. In order to fulfil the rights of the child, a number of articles are outlined in the Constitution. These are further divided into two categories – fundamental rights which are justifiable in the court of law, and directive principles which are not justifiable in the court of law. Refer Annexure I Section 2 for Articles promoting and protecting child rights.

2. Child Rights in the Five Year Plans

The first five year plan (1951-56) identified health, nutrition and education as major areas of concern with regard to children. The second five year plan (1956-61) aimed at strengthening the child welfare systems. During the third five year plan (1961-66) the child was recognized as a human being with special needs and special efforts were made to coordinate between sectors to ensure these needs. Nutrition Programmes were set up. The fourth five year plan (1969-74) focused on getting basic services to children. The fourth five year plan also saw the establishment of the following schemes: The Special Nutrition Programme, Balwadi Nutrition Programme and Prophylaxis Scheme against Blindness due to Vitamin A Deficiency among
Children. The fifth year plan (1974-79) saw a shift from child welfare to child development where again coordination of services was the main agenda. The sixth five year plan (1980-85) was when for the first time planners took into consideration the needs of working children. The seventh five year plan (1985-90) saw the establishment of the Department of Women and Child Development in the Ministry of Human Resource Development. During the eighth five year plan (1992-97) India ratified the UNCRC thereby making it a legal binding document. The ninth five year plan (1997-2002) continued to address the plight of the girl child, concentrating on addressing the problem of the declining sex-ratio as well as female foeticide and infanticide. The last five year plan, the tenth plan (2002-07) the approach has shifted to a right-based one, insuring the survival, development and protection of children. The current plan, the eleventh five year plan (2007-12) clearly states “Development of the child is at the centre of the Eleventh Plan” and addresses four key areas: ICDS, Early Childhood Education, Girl child and Child Protection.

3. Child Rights Related Policies

A policy is defined as a deliberate system of principles to guide decisions and achieve rational outcomes. A policy is a statement of intent, and is implemented as a procedure or protocol. While law can compel or prohibit, a policy merely guides the actions of those organizations which are more likely to achieve a desired outcome. Child related policies in India are mentioned in the following table.

<table>
<thead>
<tr>
<th>Policy Name</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Child Labour (Prohibition and Regulation) Act, 1986</td>
<td>It outlines where and how children can work and where they cannot. The act calls for the establishment of a Child Labour Technical Advisory Committee (CLTAC) which is responsible for advising the government about additions to the scheduled lists.</td>
</tr>
<tr>
<td>2. The National Policy on Education, 1992</td>
<td>The 1992 revised version of the policy covers all aspects of education from elementary to university level and even adult education; and states that the aim of education is to keep intact India’s long accepted values of secularism, socialism, democracy and professional ethics.</td>
</tr>
<tr>
<td>3. The National Nutrition Policy, 1993</td>
<td>This outlines the nutritional status of India, and programmes in the ambit of the policy fall under two categories - Direct or short term services which call for the need to expand existing Programmes and cover the actual population of children in India; and Indirect or long term and structural changes the policy calls for establishment of food security reserves.</td>
</tr>
<tr>
<td>4. The National Health Policy, 2002</td>
<td>The policy was introduced by the Government of India in 1983, in order to govern the functioning of the public health sector and in 2002 Ministry of Health &amp; Family updated the NHP giving priority to school health education Programmes that teach preventive techniques and encourage children to learn appropriate ways of healthy living.</td>
</tr>
<tr>
<td>5. The National Charter for Children, 2003</td>
<td>It is a recommitment document with a brief re-cap of issues faced by children and the state’s responsibilities towards children and discusses the need for proper health and nutrition facilities for children including mental health with stress on the need for nutritious food, safe drinking water and environmental sanitation and hygiene to be provided to poor families.</td>
</tr>
<tr>
<td>6. The National Plan of Action, 2005</td>
<td>This is by far the most comprehensive planning document concerning children is divided into four basic child right categories as per the United Nations Convention on the Rights of a Child: Child survival, Child development, Child protection and Child participation.</td>
</tr>
<tr>
<td>7. The National Policy for Children, 2013</td>
<td>It recognizes 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.</td>
</tr>
<tr>
<td>8. The National Early Childhood Care and Education Policy, 2012 Draft</td>
<td>With the aim of providing integrated services for the holistic development of all children from the prenatal period to six years, the government has proposed a National Early Childhood Care and Education (ECCE) Policy that lays down the way forward for a comprehensive approach towards ensuring a sound foundation for every child.</td>
</tr>
</tbody>
</table>
4. Child Rights Targeted Schemes & Programmes

Schemes and Programmes are certain set of objective oriented projects which address prevailing issues in the society for a particular target group. These projects have the capacity to provide a solution along with a monitoring mechanism in order to evaluate whether the targeted beneficiaries have indeed benefitted in the desired area. Child related schemes and Programmes have been discussed in the table below.

<table>
<thead>
<tr>
<th>No.</th>
<th>Scheme Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Operation Blackboard, 1987</td>
<td>The objective of the scheme is providing students studying in primary settings with the necessary institutional equipment and instructional material to facilitate their education. There is a provision to provide salary for an additional teacher to those primary schools that have an enrolment of more than 100 students or for a consecutive period of two years.</td>
</tr>
<tr>
<td>2.</td>
<td>Central Adoption Resource Agency (CARA), 1990</td>
<td>The purpose of CARA is to ensure that every orphan, destitute and surrendered child has a loving and caring family. It currently comes under the purview of the Ministry of Women and Child Development.</td>
</tr>
<tr>
<td>3.</td>
<td>Mid-day Meal Scheme, 1995</td>
<td>National Programme of Nutritional Support to Primary Education, popularly known as the Mid-Day Meal Scheme (MDM) was started in an attempt to enhance enrolment, retention and attendance while simultaneously improving nutritional levels among children in school. It currently covers nearly 12 crore children.</td>
</tr>
<tr>
<td>4.</td>
<td>Reproductive and Child Health Programme, 1997</td>
<td>The main aim of the programme is to reduce infant, child and maternal mortality rates.</td>
</tr>
<tr>
<td>5.</td>
<td>Balika Samriddhi Yojana, 1997</td>
<td>The scheme aims at changing the negative attitude of families and communities towards the girl child, to increase enrolment and retention of girls in schools, to raise the marriage age of girls and to create income opportunities and activities.</td>
</tr>
<tr>
<td>6.</td>
<td>Integrated Child Development Scheme (ICDS)</td>
<td>The scheme aims at providing an integrated package of services, including supplementary nutrition, immunization, medical check-ups, recommendation services, pre-school non-formal education and nutrition &amp; health awareness.</td>
</tr>
<tr>
<td>7.</td>
<td>Integrated Child Protection Scheme, 2006</td>
<td>The Ministry of Women and Child Development (MWCD) proposed the adoption of the Integrated Child Protection Scheme (ICPS). The purpose of the scheme is to provide for children in difficult circumstances, as well as to reduce the risks and vulnerabilities children have in various situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children.</td>
</tr>
<tr>
<td>8.</td>
<td>Sarva Shiksha Abhiyaan (SSA)</td>
<td>SSA is an effort to make elementary education universal, by community-ownership of the school system. It aims at changing the current school system in order to improve the quality of the education provide in the country. It is an effort to provide an equal opportunity for children to grow and develop knowledge and skills through community-owned quality education system.</td>
</tr>
<tr>
<td>9.</td>
<td>Integrated Programme for Street Children</td>
<td>The Integrated Programme for Street Children was started as an initiative to help children living on the streets, fulfil their rights. The programme provides for shelter, nutrition, health care, education, recreation facilities to street children, and seeks to protect them against abuse and exploitation. The programme aims at building society's awareness of the rights of the child enshrined in the UN Convention on the Rights of the Child (CRC) and in the Juvenile Justice (Care and Protection of Children) Act, 2000.</td>
</tr>
</tbody>
</table>

Your Favourite Child Rights Policy!

**Group Activity 2 (15 min)**

**Objective:** To introspect on the policy which seems most important?

Form groups of 3-6 and take 2 min to discuss and unanimously vote on the policy which seemed critical and vital for child rights in India. One by one share your favourite policy with the rest of the groups.
<table>
<thead>
<tr>
<th>No.</th>
<th>Scheme Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Kishori Shakti Yojana</td>
<td>KSY aims at empowering adolescent girls so that they may become responsible citizens. The objective of the scheme is to advance the nutritional, health and development status of adolescent girls, support increasing knowledge of health, hygiene, nutrition and family care, and to integrate them with opportunities for learning life skills, going back to school, helping girls grow to understand their society and become prolific members of the society. The scheme functions in the existing ICDS infrastructure.</td>
</tr>
<tr>
<td>11</td>
<td>Wheat Based Nutritional Programme</td>
<td>The Wheat Based Nutrition Programme is tied to ICDS. Food grains delivered from this scheme are used for the preparation of supplementary nutrition to be distributed among the beneficiaries of the ICDS Scheme.</td>
</tr>
<tr>
<td>12</td>
<td>Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers</td>
<td>In today's economy there has been a rising need for women to add to the household income of the family. Working women require support with regard to the care of their younger children especially infants. Day care with all the facilities and amenities is essential to the needs of both mothers and young children.</td>
</tr>
<tr>
<td>13</td>
<td>Initiatives to combat trafficking of Women &amp; Child</td>
<td>The Ministry of Women and Child Development (MWCD) in an attempt to stop the trafficking of women and children has undertaken a number of initiatives like National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children 1998, Central Advisory Committee (CAB), Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking etc.</td>
</tr>
<tr>
<td>14</td>
<td>Shishu Greha Scheme</td>
<td>Scheme of Assistance to Homes (Shishu Greha) for Children to promote In-Country Adoption is implemented by CARA. The purpose of the scheme is to regulate adoption in the country, to provide institutional care for orphaned, destitute and surrendered children prior to adoption and to promote in-country adoption.</td>
</tr>
<tr>
<td>15</td>
<td>CHILDLINE Services</td>
<td>CHILDLINE 1098 is India's first 24 - hour, free, emergency phone outreach service for children in need of care and protection. Any concerned adult, or a child in need of help can dial 1098, the toll free number to access our services.</td>
</tr>
<tr>
<td>16</td>
<td>Scheme for working children in need of care and protection</td>
<td>The purpose of the scheme is to provide working children with essential educational services such as non-formal education, and vocational training. The training must aim at entering or re-entering children in the mainstream formal education system in cases where they have never attended school and where children have discontinued school.</td>
</tr>
<tr>
<td>17</td>
<td>National Child Labour Project</td>
<td>Ministry of Labour and Employment adopted a three pronged approach to tackle the issue of child labour in the country. First was to set up a legal framework for prohibition and regulation of child labour. Second was to use various development programmes to address the needs of working children. And third was to set up the National Child Labour Project (NCLP).</td>
</tr>
<tr>
<td>18</td>
<td>Beti Bachao Beti Padhao</td>
<td>This national scheme was launched by the Prime Minister on 22nd January 2015 with following objectives: prevention of gender biased sex selective elimination, ensuring survival &amp; protection of the girl child and ensuring education and participation of the girl child.</td>
</tr>
</tbody>
</table>

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**My Scheme, My Idea!**

**Group Activity 3 (10 min)**

**Objective:** To see which aspect of child rights may require a new scheme for promotion.

Sit in a large circle with pen/pencil and small piece of paper. Take 2 minutes and pen down a new scheme which you feel needs to be introduced in order to address a particular aspect of child rights. Hand over your idea to the person sitting onto your right and take the idea from the person sitting onto your left. Read the ideas and take 1 min to first give your opinion to the person on your left on his/her idea. Then take 1 min to take an opinion from the person on your right on your own idea.
India is a large country with various ethnicities and it becomes a challenging job for the governing bodies to ensure that human rights and child rights are upheld in all corners of the land. India has shown immense potential in achieving this objective. Signing the treaty of UNCRC meant that the Indian government attempts to cover all aspects of the rights of the child mentioned in the convention, keeping the local context afore. Thus the constitution of India implemented laws and policies which were child centric in nature and covered the important rights mentioned in the convention. The laws are clear and concise and enable the governing bodies and human rights actors in the country to secure and promote the rights of the child in India. What makes the Indian context starkly different though, is the fact that all child rights laws and policies set a different age limit defining who is a child. There has been considerable advocacy trying to standardise the age limit in all the Indian laws and policies but that doesn’t seem feasible considering that for different schemes a different set of children are the target beneficiaries.

In independent India, child rights have always held an important place in the Indian governance plans. The first five year plans drawn for the period 1951-56 had already identified health, nutrition and education as critical areas of concern for children. Subsequent plans aimed for stronger welfare systems, recognizing children have special needs, nutrition programs, stronger welfare systems for working children, shift from welfare to development programs and setting up of the Department of Women and Child Development in the Ministry of Human Resource Development. It was the eighth five year plan (1992-97) that saw through the ratification of a formal international treaty with UNCRC. The following five year plans added the focus on the plight of the girl child, skewed sex ratio and female feticide and infanticide; and the approach shifted once again to a rights based one, insuring survival, development and protection of the children.

The Constitution of India, most essentially accords rights to the children of the country through various articles which have been developed on the base of articles of UNCRC. Apart from these, the government has also implemented a number of schemes, policies and programmes aimed at providing children with the necessary and critical means to fulfil their rights and enjoy a healthy childhood. The schemes aim at providing protection to children against child labour, child trafficking, to street children, working children and a child-line which acts as a helpline for children to report any form of abuse. The policies also aid in promotion of child rights by providing nutrition to under nourished, mal nourished and adolescent girls, and by providing education and overall development for children.
Test Your Self!

1. True or False:
   a. There is a set age limit defining who is a child in India.
   b. The Juvenile Justice Act, 2000 considers any person below the age of 18 years as a child.
   c. The UNCRC is one of the national mechanisms of child rights in India.

2. The Constitution of India came into force on

3. Fundamental rights are _____________________________ in the court of law.

4. The policy working on education for children is called ____________________________________________________
   ____________________________________________________________________________________________________

5. The policy that looks into malnourishment or under nourishment as child rights issues is called____________________
   ____________________________________________________________________________________________________

6. The National Plan of Action, 2005 looks into the four basic child rights categories as per UNCRC, namely
   _____________________________, _____________________________, _____________________________,
   _____________________________.

7. Mid-day Meal Scheme attempts to _____________________________, _____________________________ and attendance while
   simultaneously improving nutritional levels among children in school.

8. Write the full forms:
   a. DCPC: _________________________________________________________________________________________
   b. SCPS: _________________________________________________________________________________________
   c. CARA: _________________________________________________________________________________________

9. Name two schemes / programs aimed exclusively at adolescent girls:
   a. _______________________________________________________________________________________________
   b. _______________________________________________________________________________________________

10. Name the scheme under which an NGO may register themselves with CARA, to run an assistance home
    __________________________________________________________________________________________________

11. Which program:
    a. aims to reduce infant, child and maternal mortality rates _______________________________________________________________________________________
    b. aims to provide working children with essential educational services such as non-formal education, and
       vocational training _______________________________________________________________________________________

12. Mention the name and the number of India’s first 24 - hour, free, emergency phone outreach service for
    children in need of care and protection __________________________________________________________________________
Bibliography

Books


Websites

- Child Line: http://www.childlineindia.org.in/Child-Related-Policies.htm#

Glossaries

Legislation: a law which has been promulgated or enacted by a legislature or other governing body. Before an item of legislation becomes a law, it is called a bill and maybe broadly referred to as legislation.

Policy: a deliberate system of principles to guide decisions and achieve rational outcomes. A policy is a statement of intent and is implemented as a procedure or protocol.

Scheme: A systematic plan of action implemented in order to achieve the targeted results.

Annexure I

Section 1: Different Age Limits of Children as per Different Laws

- Census of India: Any person below the age of 14 is a child.
- Indian Penal Code (IPC) 1860: No child below the age of 7 may be held criminally responsible for an action (Sec 82 IPC) In case of mental disability or inability to understand the consequences of one’s actions the criminal responsibility age limit is raised to 12 years. A girl must be 16 years or more to give sexual consent and in regard to protection against kidnapping, given age for boys is 16 years and for girls is 18 years.
- Indian Constitution: Article 21 (a) states that children between the ages of 6-14 years should be provided free and compulsory education. Article 45 states that state should provide early childhood care and education for children below the age of 6 years. And Article 51(K) states that parents or guardians of the children between the ages of 6-14 should provide them with opportunities for education.
The Factories Act, 1948 & Plantation Labour Act 1951: A child is 15 years and below and an adolescent is between 15 - 18 years of age.

Child Labour (Prohibition and Regulation) Act, 1986; The Motors Transport Workers Act 1961; The Beedi & Cigar Workers (Conditions of Employment) Act 1966; The Merchant Shipping Act 1958; Apprentices Act 1961: Any person below the age of 14 is a child.

The Mines Act 1952: Defines adult as a person who has completed 18 years of age.

Prohibition of Child Act, 2006: Male reaches majority at the age of 21 years and female at the age of 18 years.

Indian Majority Act 1875; Hindu Minority and Guardianship Act 1956; Hindu Adoption and Maintenance Act 1956; Muslim, Christian & Zoroastrian Personal Laws: Person attains majority at the age of 18 years.

The Juvenile Justice (Care and Protection of Children) Act 2000: Any person below the age of 18 years. Note **On 22nd December 2015, Rajya Sabha has passed The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2015 stating that juveniles 16 years or older can be tried as adults for heinous offences like rape and murder. The bill had already been passed by the Lok Sabha in May. Now the bill awaits the President’s assent to become law. **

Section 2: The National Policy for Children, 2013 – Measures

• All children shall be covered by a comprehensive health Programme

• Programmes shall be implemented to provide nutrition services with the object of removing deficiencies in the diet of children.

• Programmes will be undertaken for the general improvement of the health and for the care, nutrition and nutrition education of expectant and nursing mothers

• The State shall take steps to provide free and compulsory education for all children up to the age of 14 for which a time-bound Programme will be drawn up consistent with the availability of resources. Special efforts will be made to reduce the prevailing wastage and stagnation in schools, particularly in the case of girls and children of the weaker sections of the society. The Programme of informal education for pre-school children from such sections will also be taken up

• Children who are not able to take full advantage of formal school education should be provided other forms of education suited to their requirements

• Physical education, games, sports and other types of recreational as well as cultural and scientific activities shall be promoted in schools, community centers and such other institutions

• To ensure equality of opportunity, special assistance shall be provided to all children belong to the weaker sections of the society, such as children belonging to the Scheduled Castes and Scheduled Tribes and those belonging to the economically weaker sections, both in urban and rural areas

• Children who are socially handicapped, who have become delinquent or have been forced to take to begging or are otherwise in distress, shall be provided facilities of education, training and rehabilitation and will be helped to become useful citizens

• Children shall be protected against neglect, cruelty and exploitation

• No child under 14 years shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work

• Facilities shall be provided for special treatment, education, rehabilitation and care of children who are physically handicapped, emotionally disturbed or mentally retarded
• Children shall be given priority for protection and relief in times of distress or natural calamity

• Special Programmes shall be formulated to spot, encourage and assist gifted children, particularly those belonging to the weaker sections of the society

• Existing laws should be amended so that in all legal disputes whether between parents or institutions, the interest of children are given paramount consideration

• In organizing services for children, efforts would be directed to strengthen family ties so that full potentialities of growth of children are realized within the normal family, neighbourhood and community environment

Section 3: The National Policy on Education, 1992 - Features

• The importance of early childhood care and education through the Integrated Child Development Services Programme, using three commitments: (a) Universal access and enrolment; (b) Universal retention of children up to the age of 14 years and; (c) A much needed improvement in the quality of education that allows for children to achieve a certain level of learning.

• Education will adopt a child centred approach.

• Corporal punishment is to be firmly excluded from the teaching system.

• Operation Blackboard: one teacher per class provided with all necessary equipment.

• Non-formal education (NFE) system of centers will be broadened and brought to the level of formal education system facilities.

• Curriculum in schools will be guided by both national core as well as local environment.

• Highest priority to be given to the issue of drop-outs.

• It shall be ensured that free & compulsory education of satisfactory quality is provided to all children up to the age of 14 years.

• In order to enhance the quality of higher education, boards of secondary education will be granted autonomy.

• Generic vocational courses to be included in higher education for skill enhancement.

• Steps for the proper functioning of the policy: (a) giving the teachers a better deal and more accountability; (b) improved student services and adherence to certain norms and behaviours; (c) better facilities for instruction and; (d) setting standards for performance evaluation at the national and state level.

• Education must be culturally applicable and inculcate values in children and hence the society.

• Local languages should be developed in the education.

• Need for low priced books and well managed libraries.

• Work education, population education, using math for analytical thinking, strengthen science education, physical education and yoga should be an essential part of the overall education system.

• Greater participation of educated youth in order to revise the evaluation system and do away with rote learning.

• Emphasizes the importance of teacher training and continuous teacher education.

• Overhauling the entire planning and management system surrounding education at national, state, district and state levels.

• Both government and communities are responsible for providing funds for the education system.

• Emphasizes a need to raise expenditure to 6% of the GDP in the eight five year plan.
Section 4: Child labour (Prohibition and Regulation) Act, 1986 - Provisions

- No child shall be employed or permitted to work in any of the following occupations: Set forth in part of ‘A’ of the schedule or in any work shop where in any of the process set forth in part ‘B’ of the schedule to this Act:
  - Transport of passengers, goods; or mails by railway
  - Cinder picking, clearing of an ash pit or building operation in the railway premise
  - Work in a catering establishment at a railway station, involving the movement of vendor or any other employee of the establishment from one platform to another or into or out of a moving train
  - Work relating to the construction of railway station or with any other work where such work is done in close proximity to or between the railway lines
  - The port authority within the limits of any port
  - Work relating to selling of crackers and fireworks in shops with temporary licenses
  - Abattoirs/slaughter Houses
  - Automobile workshops and garages
  - Foundries
  - Handling of taxies or inflammable substance or explosives
  - Hand-loom and power-loom industry
  - Mines (Underground and underwater) and collieries
  - Plastic units and Fibre glass workshop or in any workshop wherein any of the following processes is carried on
    - Beedi making
    - Carpet Weaving
    - Cement manufacture including bagging of cement
    - Cloth printing, dyeing and weaving
    - Manufacture of matches, explosive and fire-works
    - Mica cutting and splitting
    - Shellac manufacture
    - Soap manufacture
    - Tanning
    - Wool cleaning
    - Building and construction industry
    - Manufacture of slate pencils (including packing)
    - Manufacture of products of agate
    - Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos
    - All Hazardous process as defined in section 2(cb) and dangerous operations as notified in ruler made under section 87 of the factories Act 1948
    - Printing (as defined in section 2(k) of the factories Act 1948
    - Cashew and cashew nut de-scaling and processing
    - Soldering process in electronic industries
    - Agarbatti manufacturing
    - Automobile repairs and maintenance (namely welding lather work, dent-beating and printing)
    - Brick kilns and Roof files units
    - Cotton ginning and processing and production of hosiery goods
    - Detergent manufacturing
    - Fabrication workshop (ferrous and non-ferrous)
    - Gem cutting and polishing
• Handling of chromites and manganese ores
• Jute textile manufacture and of coir making
• Lime kilns and manufacture of lime
• Lock making
• Manufacturing process having exposure to lead such as primary and secondary smelting, welding etc.
• Manufacture of glass, glass ware including bangles fluorescent tubes bulbs and other similar glass products
• Manufacturing of cement pipes, cement products, and other related work
• Manufacture of dyes and dye stuff
• Manufacturing or handling of pesticides and insecticides
• Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo enlarging and soldering processes in electronic industry
• Manufacturing of burning coal and coal briquette
• Manufacturing of sports goods involving to synthetic materials, chemicals and leather
• Moulding and processing of fiberglass and plastics
• Oil expelling and refinery
• Paper making
• Potteries and ceramic industry
• Polishing, moulding, cutting welding and manufacture of brass goods in all forms
• Process in agriculture where tractors, threshing and harvesting machines are used and Chabot cutting
• Saw mill all process
• Sericulture processing
• Skinning dyeing and process for manufacturing of leather and leather products
• Stone breaking and stone crushing
• Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form
• Tyre making repairing, re-trading and graphite beneficiation
• Utensils making polishing and metal buffing
• Zari Making (all processes)

• CHILD LABOR TECHNICAL ADVISORY COMMITTEE: The central government may by notification constitute a child Labour technical advisory committee to advise the central govt. for the purpose of addition of occupations to the schedule of the Act. (Section-5).

• HOURS AND PERIOD OF WORK:
  • No child shall be required or permitted to work in any establishment in excess of number of hours prescribed (Section-7)
  • In Kerala the working hours in limited to four and half hours in a day. (Rule3)
  • The period of work on each day shall not exceed three hours and no child shall work for more than three hours before he has had an interval for rest for at least one hour.
  • No child shall be permitted or required to work between 7 p.m. and 8 a.m.
  • No child shall be required or permitted to work overtime. (Section-7)

• WEEKLY HOLIDAY: Every child shall be allowed in each week a holiday of one whole day. (Section-8)

• NOTICE TO INSPECTOR: Every occupier shall within 30 days send a written notice in Form-A to the inspector within whose local limits the establishment is situated. (Section-8 read with Rule-4)

• DISPUTES AS TO AGE: If any question arises between an inspector and an occupier as to the age of any child, in the absence of a certificate in Form-C as to the age of such child granted by the prescribed medical authority, be referred by the inspector for decision to the prescribed medical authority. ( A govt. medical
• officer not below the rank of an Assistant surgeon of a district or on officers having equivalent rank in ESI Dispensaries or hospitals (Section-10 read with Rule -16)

• REGISTERS: Every occupier of an establishment shall maintain a register in respect of children employed or permitted to work at the establishment in Form-B. (Section II read with Rule-15)

• DISPLAY OF NOTICE: Every occupier shall display in the establishment the abstract of section-3 and 14 in form-D of the Act (Section 12 read with Rule -17)

• PENALITIES:
  o Violations under Section-3 shall be punishable with imprisonment which shall not be less than three months which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.
  o Continuing offence under section (3) shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.
  o Any other violations under the Act shall be punishable with simple imprisonment, which may extend to one month or with fine, which may extend to ten thousand rupees or with both.

• WHO CAN FILE PROSECUTIONS: Any person, Police Officer or Inspector appointed under the Act No. court inferior to that of a metropolitan Magistrate or a Magistrate of the First Class shall try any offence under this Act. (Section-16) shall be a Government Medical Officer not below the rank of an Assistant Surgeon of a district or an officer of equivalent rank employed on a regular basis in Employees State Insurance dispensaries or hospitals.

• Abstract of the Act.: An abstract of sections 3 and 14 of the Act shall be displayed in form D suspended to these rules (Rule 17)

Section 5: The National Charter for Children, 2003

Survival, Life and Liberty
• The State and community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children.

  • In particular, the State and community will undertake all appropriate measures to address the problems of infanticide and feticide, especially of female child and all other emerging manifestations that deprive the girl child of her right to survive with dignity.

Promoting High Standards of Health and Nutrition
• The State shall take measures to ensure that all children enjoy the highest attainable standards of health, and provide for preventive and curative facilities at all levels especially immunization and prevention of micronutrient deficiencies for all children.

  • The State shall take measures to cover, under primary health facilities and specialized care and treatment, all children of families below the poverty line.

  • The State shall take measures to provide adequate pre-natal and post-natal care for mothers along with immunization against preventable diseases.

  • The State shall undertake measures to provide for a national plan that will ensure that the mental health of all children is protected.

  • The State shall take steps to ensure protection of children from all practices that are likely to harm the child’s physical and mental health.

  • The State shall take steps to provide all children from families below the poverty line with adequate supplementary nutrition and undertake adequate measures for ensuring access to safe drinking water and environmental sanitation and hygiene.
Assuring Basic Minimum Needs and Security
• The State recognizes that the basic minimum needs of every child must be met, that foster full development of the child’s faculties.
• In order to ensure this, the State shall in partnership with the community provide social security for children, especially for abandoned children and street children.
• State and community shall try and remove the fundamental causes which result in abandoned children and children living on streets and provide infrastructural and material support by way of shelter, education, nutrition and recreation.

Play and Leisure
• The State and community shall recognize that all children require adequate play and leisure for their healthy development and must ensure means to provide for recreational facilities and services for children of all ages and social groups.

Early Childhood Care for Survival, Growth and Development
• The State shall in partnership with the community provide early childhood care for all children and encourage Programmes which will stimulate and develop their physical and cognitive capacities.
• The State shall in partnership with the community aim at providing a child care centre in every village where infants and children of working mothers can be adequately cared for.
• The State will make special efforts to provide these facilities to children from SCs/STs and marginalized sections of society.

Free and Compulsory Primary Education
• The State recognizes that all children shall have access to free and compulsory education.
• Education at the elementary level shall be provided free of cost and special incentives should be provided to ensure that children from disadvantaged social groups are enrolled, retained and participate in schooling.
• At the secondary level, the State shall provide access to education for all and provide supportive facilities from the disadvantaged groups.
• The State shall in partnership with the community ensure that all the educational institutions function efficiently and are able to reach universal enrolment, universal retention, universal participation and universal achievement.
• The State and community recognize that a child be educated in its mother tongue.
• The State shall ensure that education is child-oriented and meaningful. It shall also take appropriate measures to ensure that education is sensitive to the healthy development of the girl child and to children of varied cultural backgrounds.
• The State shall ensure that school discipline and matters related thereto do not result in physical, mental, psychological harm or trauma to the child.
• The State shall formulate special Programmes to spot, identify, encourage and assist the gifted children for their development in the field of their excellence.

Protection from Economic Exploitation and All Forms of Abuse
• The State shall provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being.
• The State shall ensure that there is appropriate regulation of conditions of work in occupations and processes where children perform work of a non-hazardous nature and that their rights are protected.
• The State shall move towards a total ban of all forms of child labour.
• All children have a right to be protected against neglect, maltreatment, injury, and trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment.

• The State shall take legal action against those committing such violations against children even if they be legal guardians of such children.

• The State shall in partnership with the community set up mechanisms for identification, reporting, referral, investigation and follow-up of such acts, while respecting the dignity and privacy of the child.

• The State shall in partnership with the community take up steps to draw up plans for the identification, care, protection, counselling and rehabilitation of child victims and ensure that they are able to recover, physically, socially and psychologically, and re-integrate into society.

• The State shall take strict measures to ensure that children are not used in the conduct of any illegal activity, namely, trafficking of narcotic drugs and psychotropic substances, begging, prostitution, pornography or violence.

• The State in partnership with the community shall ensure that such children are rescued and immediately placed under appropriate care and protection.

• The State and community shall ensure protection of children in distress for their welfare and all round development.

• The State and community shall ensure protection of children during the occurrence of natural calamities in their best interest.

**Protection of the Girl Child**

• The State and community shall ensure that crimes and atrocities committed against the girl child, including child marriage, discriminatory practices, forcing girls into prostitution and trafficking are speedily eradicated.

• The State shall in partnership with the community undertake measures, including social, educational and legal, to ensure that there is greater respect for the girl child in the family and society.

• The State shall take serious measures to ensure that the practice of child marriage is speedily abolished.

**Empowering Adolescents**

• The State and community shall take all steps to provide the necessary education and skills to adolescent children so as to equip them to become economically productive citizens.

• Special Programmes will be undertaken to improve the health and nutritional status of the adolescent girl.

• Equality, Freedom of Expression, Freedom to Seek and Receive Information, Freedom of Association and Peaceful Assembly

• The State and community shall ensure that all children are treated equally without discrimination on grounds of the child's or the child's parents' or legal guardian's race, colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status, or any other consideration.

• All children shall be given every opportunity for all round development of their personality, including expression of creativity.

• Every child shall have the freedom to seek and receive information and ideas. The State and community shall provide opportunities for the child to access information that will contribute to the child’s development. The State and community shall undertake special measures to ensure that the linguistic needs of children are taken care of and encourage the production and dissemination of child-friendly information and material in various forms.

• The State and community shall be responsible for formulating guidelines for the mass media in order to ensure that children are protected from material injuries to their well-being.
• All children shall enjoy freedom of association and peaceful assembly, subject to reasonable restrictions and in conformity with social and family values.

**Strengthening Family**

• Every child has a right to a family. In case of separation of children from their families, the State shall ensure that priority is given to re-unifying the child with its parents.

• In cases where the State perceives adverse impact of such a re-unification, the State shall make alternate arrangements immediately, keeping in mind the best interests and the views of the child.

• All children have a right to maintain contact with their families, even when they are within the custody of the State for various reasons.

• The State shall undertake measures to ensure that children without families are either placed for adoption, preferably intra-country adoption, or foster care or any other family substitute services.

• The State shall ensure that appropriate rules with respect to the implementation of such services are drafted in a manner that are in the best interest of the child and that regulatory bodies are set up to ensure the strict enforcement of these rules.

• All children shall have the right to meet their parents and other family members who may be in custody.

**Responsibilities of Both Parents**

• The State recognizes the common responsibilities of both parents in rearing their children.

**Protection of Children with Disabilities**

• The State and community recognize that all children with disabilities must be helped to lead a full life with dignity and respect. All measures would be undertaken to ensure that children with disabilities are encouraged to be integrated into the mainstream society and actively participate in all walks of life.

• State and community shall also provide for their education, training, health care, rehabilitation, recreation in a manner that will contribute to their overall growth and development.

• State and community shall launch preventive Programmes against disabilities and early detection of disabilities so as to ensure that the families with disabled children receive adequate support and assistance in bringing up their children.

• The State shall encourage research and development in the field of prevention, treatment and rehabilitation of various forms of disabilities.

**Care, Protection, Welfare of Children of Marginalized and Dis advantaged Communities**

• The State and community shall provide care, protect and ensure the welfare of children from marginalized and disadvantaged communities, support them in preserving their identity, and encourage them to adopt practices that promote their best interest.

• The State recognizes that children from disadvantaged communities and weaker/vulnerable sections of the society are in need of special interventions and support in all matters pertaining to education, health, recreation and supportive services. It shall make adequate provisions for providing such groups with special attention in all its policies and Programmes. Ensuring Child Friendly Procedures

• All matters and procedures relating to children, viz. judicial, administrative, educational or social, should be child friendly. All procedures laid down under the juvenile justice system for children in conflict with law and for children in need of special care and protection shall also be child-friendly.
Section 6: The National Plan of Action, 2005: Goals

Child Survival

Child Health

- To reduce Infant Mortality Rate to below 30 per 1000 live births by 2010.
- To reduce Child Mortality Rate to below 31 per 1000 live births by 2010.
- To reduce Neonatal Mortality Rate to below 18 per 1000 live births by 2010.
- To explore possibilities of covering all children with plan for health insurance.

Maternal Health

- To reduce Maternal Mortality Rate to below 100 per 100,000 live births by 2010.
- To prevent and progressively eliminate child marriage and under age child bearing by enforcing Child Marriage (Restraint) Act.

Nutrition

- To eliminate child malnutrition as a national priority.
- To reduce under five malnutrition and low birth weight by half by 2010.
- To ensure adequate neo-natal and infant nutrition.
- To reduce moderate and severe malnutrition among preschool children by half.
- To reduce chronic under nutrition and stunted growth in children.

Water & Sanitation

- To eliminate child malnutrition as a national priority.
- To reduce under five malnutrition and low birth weight by half by 2010.
- To ensure adequate neo-natal and infant nutrition.
- To reduce moderate and severe malnutrition among preschool children by half.
- To reduce chronic under nutrition and stunted growth in children.

Child Development

Early Childhood Care & Development

- To eliminate child malnutrition as a national priority.
- To reduce under five malnutrition and low birth weight by half by 2010.
- To ensure adequate neo-natal and infant nutrition.
- To reduce moderate and severe malnutrition among preschool children by half.
- To reduce chronic under nutrition and stunted growth in children.
Rights of the Girl Child

- Assurance of equality of status for girl child as an individual and a citizen in her own right through promotion of special opportunities for her growth and development.
- To ensure survival, development and protection of the girl child and to create an environment wherein she lives a life of dignity with full opportunity for choice and development.
- To stop sex selection, female foeticide and infanticide.
- To eliminate child marriages.
- To ensure the girl child’s security and protect her from abuse, exploitation, victimization and all other forms of violence.
- To protect the girl child from deprivation and neglect and to ensure the girl child equal share of care and resources in the home and the community and equal access to services.
- To take measures to protect girl children from any treatment which undermines their self-esteem and causes their exclusion from social mainstream and also to break down persistent gender stereotype.
- To eliminate all obstacles that prevents girls from full enjoyment of human rights and fundamental freedom including equal rights in succession and inheritance.
- To ensure equal opportunity for free and compulsory elementary education to all girls.

Adolescents

- To ensure full opportunities to all adolescent girls and boys in the age group of 13 to 18 years to realize their rights and develop their full potential as human beings.
- To provide the adolescents with education and development opportunities so that they can participate in the life and progress of community as productive citizens.
- To eliminate child marriages by 2010.

Children with Disability

- To ensure right to survival, care, protection and security for all children with disability.
- To ensure the right to development with dignity and equality creating an enabling environment where children can exercise their rights, enjoy equal opportunities and full participation in accordance with the UN Convention on the Rights of the Child, the Persons with Disability Act, National Trust Act and other laws dealing with child rights in India.
- To ensure inclusion and effective access to education, health, vocational training along with specialized rehabilitation services to children.
- To ensure the right to development as well as a recognition of special needs and of care and protection to children with disabilities who are vulnerable, such as, children with severe multiple disabilities, children with mental illnesses, severe mental impairment, children with disabilities from poor families, girl children with disabilities and others.
- To eliminate disability due to poliomyelitis by 2007.

Child & Environment

- To conserve and protect the natural environment and safeguard natural resources, for the good and well-being of all children.
- To ensure children’s survival, health and food security through conservation and safe use of water, land and forest resources, and people’s access to forests, waterways and other such resources as a common good.
• To ensure creation of appropriate means for play, recreation and cultural development for the all-round
development of the child.

Education

• To provide free and compulsory education of good quality to all children in the 6-14 years age group.
• To achieve universal elementary education through school system for all children, through provision of free
and compulsory services.
• Progressively provide compulsory secondary education to all children.
• All children to be in school by 2005.
• Universal retention by 2010.
• Bridging gender and social gaps in primary education by 2007 and elementary education by 2010.
• To introduce the syllabus for environment education prepared by NCERT for classes 1 to 12 by every State
in their respective schools.

Child Protection

Children in Difficult Circumstances

• To ensure that best interest of the child is upheld in all policies, plans, Programmes, interventions and in
strategies for children in difficult circumstances.
• To create and uphold a safe, supportive and protective environment for all children within and outside the
home.

Children in Conflict with Law

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

Sexual Exploitation and Child Pornography

• To protect all children, both girls and boys, from all forms of sexual abuse and exploitation.
• To prevent use of children for all forms of sexual exploitation, including child pornography.
• To develop new and strengthen existing legal instruments to prevent sexual abuse and exploitation of
children.

Child Trafficking

• To stop sale of children and all forms of child trafficking, including for sexual purposes, marriage, labor,
adoption, sports and entertainment and illegal activities, like organ trade, begging and drug peddling.

Combating Child Labour

• To eliminate child labor from hazardous occupations by 2007, and progressively move towards complete
eradication of all forms of child labor.
• To protect children from all kinds of economic exploitation.

Children Affected by HIV / AIDS

• To stop the growth of HIV/AIDS and sexually transmitted infections by 2010.
• To reduce the proportion of infants infected with HIV by 20 per cent by 2007 and by 50% of all such children
by 2010.
Child Participation

- To promote within the family, community, schools and institutions, as well as in judicial and administrative proceedings, respect for the views of all children, including the views of the most marginalized, especially girls, and facilitate their participation in all matters affecting them in accordance to their age and maturity.

- To make all children aware of their rights and provide them with opportunities to develop skills to form and express their views, build self-esteem, acquire knowledge, form aspirations, build competencies in decision-making and communication, and gain confidence which will empower them to become actively involved in their own development and in all matters concerning and affecting them.

- To empower all children as citizens by promoting their participation in decisions that affect their lives, the lives of their families and communities and the larger society in which they live.
The previous module has offered further clarification into the various types of mechanisms in place to promote and protect child rights in India. If utilised to their full potential, these laws and policies can sufficiently protect children and offer them a child friendly environment to grow and develop. This module delves further into the concept of child rights and the role played by local governance bodies like Panchayat Raj Institutions. A detailed description of the rights of the child and how PRI’s can ensure their promotion and protection will give the participant a clear view of how PRI’s may engage in as guardians of child rights at local levels. By the end of the module the participant will be able to explain how PRI’s fit into the realm of child rights and also propose more ways of their involvement in the protection of child rights.
Panchayat Raj Institutions (PRI) and Child Rights

During the independence movement, villages and their self-governing system had their place at the centre, but when the constitution of India was being written, these institutions did not get a place in the main body, only a mere mention in the directive principles. Thus the states never took the urban or the rural local bodies seriously. India’s 73rd Constitutional Amendment Act, 1992 granted PRIs the constitutional authority and duty to ensure productive and just conditions for citizens within their constituencies. Within a year all the states passed their own acts in conformity to the amended constitutional provisions. As a result of these constitutional steps taken by the union and state government, India has moved towards multi-level federalism, and more significantly has widened the democratic base of the Indian polity. Now there are nearly 600 district Panchayats, about 6,000 block Panchayats, at the intermediate level and about 2,50,000 Gram Panchayats in rural India.

Panchayat Members are important actors in order to guarantee child rights at the local level. They are the leaders and so, the role models; they are a formal authority of local governance; they are responsible and accountable for the health, development, safety, and security of citizens in their respective Panchayat; they have contextual knowledge of existing local problems associated with child rights; and finally, they have an established trust and rapport within the community, which may help in identifying and addressing child-right violations through relationships and influence. Since Panchayat members belong to the same community where they work, they are more in touch with the ground realities of their respective communities and have access to the option of gaining direct feedback and information from the villagers. They have the governing powers as well to bring about a difference and take action against violators. Panchayats are constitutionally capable and emotionally attached the people. So, they are to most proximate and more effective institution to address the issues of children, women and men in their jurisdictions. Panchayats have rights and resources to plan and implement the development actions/schemes for well-being of the people in their villages. (Rai, et al; 2001)

Child Rights need to be Promoted, Preserved and Protected by PRIs

The first step towards securing child rights in their respective area is for every PRI to ensure that it is a child-friendly Panchayat. It is capable of safeguarding children and provides them with a violence free and safe environment. Panchayat members should be guided on a regular basis reminding them of their role in the governance system of the State and that they are obligated to uphold the rights of all citizens. This not only makes them role models or leaders, it also gives them an opportunity to be a social change agent. As an elected representative of the community, Panchayat members must understand that as and when they work towards upholding human rights of their people, it is the children that need special attention the most. Children are more vulnerable to the conditions under which they live; they are more affected by the actions or inactions of governments and the society; in many societies like ours, the age old belief that children are their parent’s property needs to be broken and changed; since children do not have votes, political influence or economic power, their
voices are not heard; and lastly children are particularly vulnerable to exploitation and abuse. Thus it is imperative for the Panchayat members to uphold child rights with sincerity and commitment.

Panchayat members must ensure that all children in the constituency are protected from all forms of exploitation, abuse, inhuman or degrading treatment and neglect. Although all children need protection for their rights; there are some groups of children that need special focus like homeless children, migrant children, street children, orphaned or abandoned children, working children, children of prostitutes, child prostitutes, trafficked children, children affected by conflict, children affected by natural disasters, children affected by HIV / AIDS, children suffering from terminal diseases, disabled children and children belonging to scheduled castes and scheduled tribes. The girl child in all the categories is the most vulnerable and their protection holds special concern for the society.

In order to meet the objective of protection, Panchayat members can take steps towards setting up security nets in their areas. These security nets would essentially involve important actors like the village elders, Panchayat members, school teachers, police, local NGOs etc. The security nets would ensure that the in case of a violation, the reporting is done in a prompt manner, action is taken immediately and the violation is either prevented or the violator is brought to justice. In case of the latter, the role of the security net would extend to rehabilitate the child back into the society for a normal way of life. Panchayat members can also form reporting cells in every village thus ensuring the violations are reported in a timely manner. A good liaison with the police and local authorities would bring the violator to justice quickly thus offering a closure to the case for the victim and the family members. The rehabilitation process of the security net would need to be more extensive involving counselling for the child and the family, ensuring that the child finds his footing in the normal day to day activities, makes friends and interacts with them regularly and enjoys going back to school.

PRI’s Role in Securing Child Rights

PRI’s must liaise with the police, Panchayat secretary, school teachers, Anganwadi workers, ANM’s, block/ Block/Taluka/Mandal and Zilla Panchayat Members, Block Development Officer (BDO) or Block Development and Panchayat Officer (BDPO), Community Development Officer (CDO) or Community Development and Panchayat Officer (CDPO), and District Magistrate/ District Collector in order to protect the children of the respective constituency. It is imperative for Panchayat members to ensure protection of children in their villages by understanding children’s

PRIA facilitated Kishori Panchayats (Panchayats of Adolescent Girls) in many Panchayats of Muzaffarpur, Bihar in late nineties. These Kishori Panchayats helped women elected members to be better informed and so, more effective. Later they also demanded to their Panchayats and Gram Sabhas ‘right for girls to go to school and right to play freely in their villages’. Most of Panchayats later admitted that because of Kishori Panchayats supports, the status of girl child education improved significantly in the villages. After some years many of the members of initial Kishori Panchayat members after becoming adult became very successful leaders in their areas.

(Case studies from PRIA)
rights as human rights and creating such awareness amongst others too:

- By regular interactions with groups of children to understand their issues. One way to institutionalize these interactions at regular basis could be by encouraging constitution of children Panchayat (an informal counterpart of Panchayat of adults). Representatives of children Panchayats could be invited to Panchayat meetings.
- by discussing child rights issues with the Gram Sabha on a regular basis;
- by ensuring that child protection forms a major agenda for discussion in all Panchayat meetings as well as Gram Sabhas;
- by setting up a child protection monitoring unit or cell of missing children and children needing care and protection and report cases of child abuse to the police or other concerned authorities in the village, involving children and their parents;
- by being informed about government’s schemes and what they have to offer and;
- By identifying children and families that require assistance and can be helped through any of the existing Government schemes.

1. Sex Selective Abortion and Infanticide:

The Right to be born! Sex selective abortion and infanticide is prevalent still and rising with the mistaken belief that it has died out. The more economically affluent Northern States show the most drastic decline. The situation is alarming in states of Punjab, Haryana and Himachal Pradesh. There is no guarantee that the girl child who escapes foeticide or infanticide and is in the 0-6 years age group, will escape the cycle of denial that may even result in death because she is less fed, less encouraged to explore the world, more likely to be handed jobs to do and given less health care and medical attention.

Selective abortion needs to be addressed because girls and boys have an equal right to survive and our Constitution guarantees right against discrimination; this act of violence is leading to a spiraling effect of further violence in the form of trafficking of girls for marriage, from low sex-ratio states and; If India closes the gender gap between girls and boys aged 1-5 years, 1.3 lakh lives will be saved and the overall child mortality rate will go down by 5 per cent.

Laws - Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994:

- prohibits misuse and advertisement of pre-natal diagnostic techniques for determination of sex of foetus, leading to female foeticide;
- permits and regulates the use of pre-natal diagnostic techniques for detection of specific genetic abnormalities or disorders and use of such techniques only under certain conditions and only by the registered institutions;
- gives punishment for violation of the provisions given in the act;
- Complaint made by any person should be first given to the appropriate authority with the notice of not less than thirty days for proper action and with the intention to make a complaint to the court.

Indian Penal Code (IPC) 1860 the following acts by any person are a punishable offence:

- When death is caused by a person (Section 299 and Section 300);
- Voluntarily cause a pregnant woman to miscarry the unborn baby (Section 312);
- Act done with intent to prevent a child being born alive or to cause it to die after birth (Section 315);
- Causing death of an unborn child (Section 316);
- Exposing and abandoning of child below 12 years (Section 317);

Samerdha Nosra, a remote Gram Panchayat in Bikaner, Rajasthan, engaged its Gram Sabha in ensuring that all pregnancies in the village are continuously monitored to ensure that there are no sex selected feticide, every woman gets proper Anti Natal Care, Child marriages are stopped and children get proper mid meal and education in the schools. With technical guidance and supports from PRIA, Panchayat invited and incentivized all local actors- ASHA, Anganwadi workers, school teachers, local NGOs, CBOs and villagers to work together for better pre and post birth lives of children in the village.

• Concealing the birth of child by secretly disposing her/his body (Section 318);

• The punishment extends from two years up to life imprisonment, or fine or both;

**Panchayat's Role:** In order to address this child right issue, Panchayat members should take responsibility to:

- Educate people about the law.
- Be alert and use the law to stop feticide and infanticide and ensure registration of cases against the accused.
- Ensure registration of all births and deaths in the village under the supervision of your Panchayat.
- Raise awareness and gender sensitivity through Public Education Programmes.
- Mobilize the community to act against such heinous crimes.
- Liaise with ANMs and ‘dais’ (Midwives) in the village. They can be your informants.
- Campaign against all quacks and clinics that misuse the ultra-sound technology to the detriment of the girl child and for their profit.

### 2. Child Marriage

Child marriage has always been prevalent in India and is rampant in large parts of the country like Punjab, Haryana, Rajasthan and Gujarat. Child marriages in India have taken on an ugly shape with little boys and girls being married off as part of a cultural practice in order to avoid paying dowry later. Child marriage is a violation of child rights as it deprives the children their right to childhood; it keeps children, particularly girls, out of school; it has serious repercussions on the child's health, physical and mental; may lead to childbirth amongst physically immature girls threaten their health; it implies child rape as children can never be said to have attained the age of maturity for their action or inaction at that age; child brides often end up as young widows with a number of children to take care and; early marriage of boys is as much a violation of their rights as it is for girls. It takes away their right of choice and imposes family responsibilities beyond their age and capacity.

**Laws:** The Child Marriage Restraint Act, 1929 defines a child as a male - below 21 years of age and a female below 18 years of age (Section 2(a)).

Under this Act several persons can be punished for allowing, contracting, performing or being involved in a child marriage.

- A male who contracts child marriage if he is over 18 years and below 21 years of age shall be punished with simple imprisonment which may extend up to 15 days or with fine which may extend up to Rs. 1000 or both (Section 3).
- A male who contracts child marriage if he is over 21 years of age shall be punished with imprisonment which may extend up to 3 months and with fine (Section 4).
- A person who performs or conducts a child marriage, unless he can prove he had no reason...
to believe it was a child marriage, shall be punished with imprisonment which may extend up to 3 months and with fine (Section 5).

- The parent or guardian of the child who permits, negligently fails, or does any act to promote such child marriage can be punished (Section 6).

Panchayat’s Role: A child marriage must be stopped before it is solemnized. The Panchayat members should:

- Educate people about the law.
- Create awareness about the violation of rights of children, and the health hazards arising out of early marriage.
- Encourage people to wait for their children to reach the age of maturity before they are married.
- Evolve collective understanding in the villages about harmful social and medical effect of the child marriage. Encourage Gram Sabha to pass resolutions asking villagers to not promote child-marriage. The rule breakers should be socially admonished.
- Be alert and use the law to stop marriages.
- If the marriage cannot be stopped, negotiate with the parents of the bride and the groom to postpone it till the girl and the boy reach the legal age of marriage and encourage the parents to send them to school till then.

3. Child Labour

Child labour is bodily activity designed to ensure the survival of the children and their families. It is about toil and often exploitation, and leads to denial of all other rights. Child work is something that is creative, which children enjoy. India has the largest number of child laborers in the world. It has culturally become acceptable to have children out of school and in labour. Children are engaged in many activities like agriculture, manufacturing, mining & quarrying, domestic service, hotels & restaurants, circuses, construction sites and shrimp cultivation.

Child labour makes children prone to occupational diseases such as skin diseases, lung disorders, loss of eyesight, T.B, silicosis etc.; vulnerable to physical and sexual abuse and exploitation; leaves them with little or no access to education that would give them access to greater opportunities in life; denies them education and vocational training, and they grow up unskilled and are unable to make any substantial contribution to the nation’s economy as adults - thus continuing the cycle of poverty.

Laws: There are various laws in the Indian Constitution as well as under UNCRC which protect children against child labour.

- Article 23 of the Constitution of India prohibits all forms of forced and bonded labour.
- Article 24 of the Constitution of India states that no child below the age of 14 years shall be employed in work in any factory or mine or engaged in any other hazardous employment.
- Article 39 of the Constitution directs State policy to ensure 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 occupations unsuited to their age or strength”.... and that children are given opportunity 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.
- The Child Labour (Prohibition & Regulation) Act, 1986 “prohibits employment of children who have not completed their fourteenth year in specified hazardous occupations and processes”.
- Article 32 of the UNCRC, 1989 states that “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development…”.

Panchayat’s Role: As the local governing body, Panchayat can play pivotal role in protecting children against child labour.

- Create awareness about the pitfalls of putting children to work.
- Motivate parents to send their children to school.
- Slowly create an atmosphere where children are pulled out of work and into school.
Roles of Panchayats in Safeguarding the Rights of Children

- Ensure that children are enrolled in school without difficulty.
- Ensure that schools are accessible and available and that the infrastructure is adequate.
- Inform employers about labour legislation banning child labour and the consequences of flouting the law; thus discourage them from employing children and encourage them to employ adults.
- Ensure that adults are paid minimum wages.
- Use the official capacity to create infrastructure for day care through the Government’s programmes like the Balwadi and Anganwadi programmes. This will help working mothers and older children will not be forced to drop out of school to take care of younger siblings.
- Unite against touts and middle-men who come looking for child labour in the villages.

Activate the Village Education Committee to take up issues of improving access to schools and quality of education, teacher absenteeism, enrolment and drop-out rates, mid-day meals, provision of water and sanitation facilities in schools etc.

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What can I do?

Group Activity 1 (10 min)

Objective: To ponder on the capabilities of the Panchayat members.

Form groups of 3-6 and sit together with pen / pencil and paper. Ponder and discuss what you can do as Panchayat members in this scenario: you are Panchayat members and have received an invite for a child marriage taking place in your area in the next 24 hours. Can you stop it, can you convince the parents to stall it, do you think strict action is the only way, or would you rather attend the complete marriage and try raising awareness around the issue later?

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4. Child Sexual Abuse

India has the dubious distinction of having the world’s largest number of sexually abused children with a child below 16 years raped every 155th minute, a child below 10 every 13th hour, and one in every 10 children sexually abused at any point in time. Yet it is the least reported, discussed or even acknowledged forms of violence against children. It occurs in the home and outside and is one of the worst violations of the rights of children leaving long-term negative impacts on the child victims and even their families. While girls are more vulnerable to being sexually abused, boys are victims too.

Any sexual conduct with a child i.e. a person below 18 years of age or exposure of such a person to sexual conduct by another person, with or without the consent of the child, for purposes of sexual gratification of self or others amounts to child sexual abuse. Clearly, child sexual abuse or sexual assault is not just rape, in fact rape is just one form of child sexual abuse. Sexually abusive activities do not necessarily involve bodily contact between a child and their abuser. ‘Non-contact’ abuse can involve exhibitionism or voyeurism, such as an adult watching a child bathe or undress, or an adult forcing two or more children to engage in sexual activities with one another, as well as filming or observing them. Child sexual abuse occurs when an adult or another child who, by age or development is in relationship of responsibility, trust or power, uses a child for sexual gratification.

Laws: Sexual abuse is any kind of sexual behaviour, which is unwanted or forced. It includes rape, sodomy, harassment and eve teasing. The law only recognises certain kinds of sexual abuse as an offence and there is no special offence of sexual abuse of a child by his or her relative.

- The forms of child sexual abuse recognized by the Indian Penal Code are:
  - Outraging the Modesty of a woman or a girl (Section 354)
  - Rape (Section 376)
  - Sodomy or Unnatural Offences (Section 377)

PRIA facilitated and supported initiatives in Sonipat, Haryana where a large number of Panchayats acted against sexual abuse of children and women by involving the youth of the villages to conceive, design, and implement a plan for the safest village for girls. Youth and older children especially boys got involved in data collation, data analysis and presentation of possible solutions. Panchayats facilitated a process by which the collectively agreed solutions were followed to make villages safe.

(Case studies from PRIA)
• RAPE as defined in the IPC is when a man has sexual intercourse with a woman
  o Against her will or without her consent.
  o With or without her consent if she is under 16 years of age.
  o When she is his wife and is under fifteen years of age.

Panchayat's Role: Panchayat members are like the guidance providing figures in the village and invariably looked up to for wisdom and advice. Sexual abuse in children is the worst type of child rights violation. Panchayat members should address any such violations in their constituency with utmost sense of urgency and seriousness. The issue should not be left at the addressing stage and the case should be seen through till closure and till the culprit is brought to justice.

• The first step towards dealing with the problem of child sexual abuse is recognition and acceptance that boys and girls are abused and need assistance and support.
• Create awareness about the problem. This will help in prevention as well as encourage victims to come forward.
• Create forums where children can be given information and support within the village with the help of the schoolteacher, the Anganwadi worker and the ANM.
• Listen to the child.
• Maintain confidentiality of the child.
• Ensure that a complaint and FIR is filed in the nearest police station.
• Seek legal advice.

5. Trafficking

Child trafficking is when children are made to move from one place to another for the purpose of their exploitation by use of any of the following means - threat, force or other forms of coercion or abduction or, deceit, fraud, allurement or enticement or by giving or receiving payment or other benefits. Children, both girls and boys, are trafficked both within the country, from one State to another or one district to another, and across international borders. Children are trafficked for many purposes. The ones that have been reported include sexual exploitation—forced prostitution, socially and religiously sanctified forms of prostitution, sex tourism and pornography; illegal activities—begging, organ trade, drug peddling and smuggling; labour - bonded labour, domestic work, agriculture labour, construction work, carpet/garment industry, diamond cutting, shrimp cultivation etc.; entertainment and sports - camel jockeys and circuses; adoption and; marriage.

Child trafficking has a serious impact on the child's psychological and physical state. Children are deprived of their right to a healthy and productive childhood. It can lead to physical and mental impairment of the child and in the worst scenario can even lead to the death of the child. The victims are more susceptible to sexual exploitation and are at higher risk of contracting HIV/AIDS. Trafficked children grow up as unskilled and illiterate adults.

Laws: There is no legal definition of ‘trafficking’ in the Indian laws. While children are trafficked for many purposes, there is no single comprehensive law to deal with all forms of child trafficking. The only law that talks about trafficking is the Immoral Traffic (Prevention) Act, which deals with trafficking of minors for prostitution. However, there are several provisions in the Indian Penal Code and some local and special laws that may be used while dealing with a case of child trafficking. The legal framework available for dealing with a case against child trafficking:

• Indian Penal Code 1860, punishes cheating, fraud, kidnapping, wrongful confinement, criminal intimidation, procuration of minors, buying and selling of minors for in immoral purposes.
• Juvenile Justice (Care and Protection of Children Act), 2000. This law helps to ensure care and protection for trafficked children and their restoration to and reintegration with their family and community.
• Special Local Laws:
  o Andhra Pradesh Devadasi's (Prohibition of Dedication) Act, 1988 or Karnataka Devadasi (Prohibition of Dedication) Act, 1982.
  o Child Labour Prohibition & Regulation Act, 1986
  o Child Marriage Restraint Act, 1929.
Panchayat's Role: Since Panchayats are ground level local governing bodies, they are more in sync with the local communities and their way of life. It is easier for them to identify when any corner or area of their constituency is facing trouble with serious crimes like child trafficking. Panchayats can completely put an end to such issues by using their network of people and using the inputs to bring the culprits to justice.

- The first step towards dealing with the problem of child trafficking is widespread awareness about the issue. Panchayat members must make themselves and people in their village aware of the dangers of child trafficking and the harm it causes to the child.
- Every Panchayat member should ensure that his/her Panchayat maintains records of people migrating out of the village.
- Birth registration and registration of marriages can also go a long way in protecting children from being trafficked. All Panchayats must maintain records.

6. HIV / AIDS

Several thousands of children in India are either infected with HIV/AIDS or affected by it. Street children and child labourers are particularly vulnerable due to high incidence of sexual abuse and exploitation and drug abuse. All these children have little or no family support, no access to services or social safety nets of the organised sector. Child prostitution, child trafficking and sexual abuse lead to forced and coerced sex and increase the vulnerability of children to HIV. The most common cause of infection among children is the mother-to-child transmission, sexual abuse, blood transfusion, and use of infected syringes. The social stigma attached to HIV/AIDS is so great that both infected and affected children in our country are denied their basic rights to survival, development, protection and participation.

Laws: The Government of India has taken some policy measures to address HIV/AIDS related issues. The National AIDS Control Authority (NACO) has a policy on HIV/AIDS addressing both prevention and treatment aspects and underlying the principles of non-discrimination, voluntary testing, informed consent and confidentiality. The Government has, by an Administrative Order, required the screening for HIV of all units of blood to be used for transfusion purposes. While a specific law to protect the rights of HIV positive people is in the process of being formulated, there are certain basic rights that the Constitution of India guarantees to all citizens and stand applicable even if a person is HIV positive like:
• Right to Informed Consent
• Right to Confidentiality
• Right Against Discrimination

**Panchayat’s Role:** HIV/AIDS is a serious ailment and calls for recognition of the problem and a political will to fight it. The *Panchayats* are the most basic unit of decentralized form of governance in our country. As an elected representative every *Panchayat* member counts in forming the political will.

• Work in the respective constituencies to help dispel the myths and propagate the reality about HIV/AIDS.
• Spread awareness and information, mobilize community action and build an environment conducive for fulfilling people’s human rights especially children’s rights.
• Help prevent the spread of this painful disease. There have been successful prevention campaigns in very different societies and countries such as in Brazil and Thailand and these efforts were developed by actors within the local communities of the country.
• Regardless of one’s HIV positive status, people must be encouraged to learn how to prevent future infection from HIV or other STDs through counselling provided at the VCTCs.
• Most of the children orphaned by AIDS in Africa remain in their villages among family and friends who do their best to support and care for them. Every *Panchayat* can promote community-based rehabilitation of children in any kind of distress, including those fighting HIV/AIDS.
• All Village Education Committees should pass clear guidelines for schools to follow the principle of non-discrimination against children infected and affected by HIV/AIDS as well as initiate school awareness programmes on the subject.

7. Corporal Punishment

The age old adage, ‘Spare the rod and spoil the child.’ is unacceptable in today’s rights sensitive world. *Corporal punishment is defined as the use of physical force with the intention of causing a child pain not for the purpose of injury but for correction.* Corporal punishment is often used as a measure to discipline children and they are at the receiving end from parents, teachers and non-teaching school authorities. Almost all schools inflict corporal punishments on students for various reasons and most parents beat their children. In the name of discipline, children are known to have had their bones and teeth broken, their hair pulled out and forced into acts of humiliation.

Corporal punishment has a negative impact on the impressionable young minds as it usually takes the shape of hatred, terror and fear. The punishment of such kind leads to creation of anger, resentment and low self-esteem. It contributes to feelings of helplessness and humiliation, robbing a child off her/ his self-worth and self-respect and leading him/her to withdrawal or aggression. It teaches children violence and revenge as solutions to problems. Children might imitate what the adults are doing and begin to believe that it is good to use violence. Children may even assault their own parents or teachers in retaliation. Victims of corporal punishment during childhood are more likely to hit their children, spouses or friends in adulthood. Ultimately it all leads to erosion of trust between teacher and a child or a parent and a child.

**Laws:** There is no law banning corporal punishment by parents and corporal punishment in institutional settings. In some States however, corporal punishment is banned in schools. The Government is working at a law on child abuse, listing out corporal punishment as an offence against a child. Adults should recognise a child as a person, as an individual who has a right to liberty, privacy and dignity. Corporal punishment interferes with the right to development and participation.

**Panchayat’s Role:** Panchayat members are closest to the real issues in the rural sector including that of

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In Ranga Reddy district of Telangana, there is a gram panchayat Mokila in Shankarpalli Mandal. The Sarpanch of the village believes that children are the most important aspect of development in any village and focus on children will ensure a brighter future for the village. The Gram Panchayat was proactive in maintaining enrolments; student attendance, comfortable environment in the school (including no fear from corporal punishment) etc. as they were already involved in securing child rights with the help of an NGO called MV foundation

(Case studies from PRIA)
corporal punishments in government run schools or private schools in or near the villages. They can play an important role in curbing this manner of ill treatment of children.

- All Panchayat Members must set an example for others by prohibiting corporal punishment for children in their homes and dissuading others from it.
- Mobilize other colleagues in the Panchayat to take a stand against use of corporal punishment in schools and at home.
- Such issues must be taken up at the Village Education Committee meetings. It would be extremely helpful if the Village Education Committee in the village to put a ban on corporal punishment in schools.
- In case of any such incident in any school in the village a Panchayat member can take it up with the Village Education Committee or the Department of Education in the respective district.

Mushar are supposed to be one of the lowest castes. Traditionally Mushar and their children were never treated equally. Their children could not think of entering a school. But many Panchayats with supports from local NGOs in Jehanabad district of Bihar strived to shun caste prejudices. Panchayat members incentivized Mushar adults to send their children to school. The Gram Sabhas passed resolutions that Mushar and their children should be treated with respect. Under the leadership of their Panchayats villages ensured that Mushar children regularly go to school and Mushar participate in village level events and Gram Sabhas with same right and dignity as other villagers.

(Case studies from PRIA)

- Article 14 - Guarantees Equality before the law and equal protection of laws to each and every person in the country

8. Caste Discrimination

Untouchability continues to be practised in India and children are innocent victims. Whether in school or on the playground, there are many children who face caste discrimination in their everyday lives. And the innocent children start accepting it as a natural system which they grow up in.

Laws: The Constitution of India

- Article 14 - Guarantees Equality before the law and equal protection of laws to each and every person in the country

- Article 15 - Prohibits discrimination on grounds of race, caste, and sex, and descent, place of birth or residence.

- Article 16 - Prohibits discrimination on grounds of race, caste, sex or place of birth in any public employment.

I can help you!

Group Activity 2 (10 min)

Objective: To understand the importance of listening and caring skills of Panchayat members.

Form groups of 3-6 and sit together with pen / pencil and paper. Write down the steps you will follow as Panchayat members in this scenario: An 11 year old child walks up to you and while uncontrollably sobbing says she has been violated by a neighbour. Share and discuss the steps with the rest of the class in order to spread the ideas.

Panchayat providing Health care and Education to Mushar Children
• Article 17 - Abolishes ‘Untouchability’ and declares practice of ‘untouchability’ in any manner whatsoever, a punishable offence. The first Indian law that came into force to provide for punishment for the preaching and practice of ‘Untouchability’ and for any matter connected with it was ‘The Protection of Civil Rights Act, 1955’. Even calling a scheduled caste by her/his caste name e.g. calling a ‘chamar’ a ‘chamar’ is a punishable offence under this law.

• In 1989, the Government of India enacted ‘The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act’, which recognizes various kinds of acts of violence and discrimination inflicted upon the Scheduled Castes and the Scheduled Tribes by Non-Scheduled Castes and Non-Scheduled Tribes as punishable offences. It also provides for establishment of Special Courts at district level to try the offences under this Act, appointment of Special Public Prosecutors for the purpose of conducting cases in Special Courts, and imposition of collective fine by the State.

**Panchayat’s Role:** Caste prejudices must be shunned. Panchayats must play an active role to initiate a change. Mass awareness drives must be taken up by the Panchayats in this regard. Panchayats should also ensure that the law of the land, prohibiting and abolishing ‘untouchability’ and caste prejudices is implemented effectively. In the new Panchayat Raj system established by the 73rd Constitutional amendment, every village Panchayat today has elected representatives from the Scheduled Caste or Scheduled Tribe communities as members. While the representation has increased from what it used to be prior to reservation of seats at the Panchayat level, nothing really has changed on the ground. A Scheduled Caste representative gets elected only from amongst a constituency of people belonging to the same category. A transformation would ensure that the Scheduled Caste person gets an opportunity to get elected from a non-Scheduled Caste constituency also.

**9. Street and Runaway Children**

A large section of street children comprises run away children, who leave their homes in search of better life opportunities or for the glamour of Metros or, succumb to peer pressure and enter cities where they live in most pathetic conditions. These children are often unable to find even two square meals a day for themselves and are most vulnerable to abuse. Once on the streets, they enter the vicious cycle of exploitation and related problems. On coming in contact with older children, the new and younger ones soon engage in rag picking or other forms of work easily available or, in illegal activities like pick-pocketing, begging, drug peddling etc.

**Laws:**

• Juvenile Justice (Care and Protection) Act 2000
  The Juvenile Justice (Care and Protection) Act 2000 deals with “juvenile” or “child” (a person who has not completed eighteenth year of age) who are in need of care and protection and in conflict with law

• Children in need of care and protection:
  According to 2 (d), a “child in need of care and protection” means a child-
  - who is found without home or means of subsistence,
  - whose parent or guardian is unable to look after the child,
  - who is an orphan or whose parents have abandoned her/him or who is missing and has run away and whose parents cannot be found after reasonable inquiry,
  - who is abused, tortured or exploited for sexual or illegal acts or, is vulnerable to such abuse.
  - who is vulnerable to drug abuse or trafficking.
  - who is abused or vulnerable to abuse.
  - who is victim of any armed conflict, civil commotion or natural calamity.

• Child Welfare Committee: According to the law every State Government is supposed to constitute for every district or group of districts, one or more Child Welfare Committees to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection as well as to provide for their basic needs and protection of human rights.

• Production before the Committee: Any child in need of care and protection can be produced before the Committee by a special juvenile police unit or a designated police officer; a
Roles of Panchayats in Safeguarding the Rights of Children

public servant; childline; a registered voluntary organisation recognised by the State Government; a social worker or a public spirited citizen authorised by the State Government; the child herself/himself.

- The Child Welfare Committee may pass an order to send the child to a children’s home and initiate a speedy inquiry by a social worker or child welfare officer.

- After the completion of the inquiry, if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children’s home or shelter home till suitable rehabilitation is found for her/him or till she/he attains the age of eighteen years.

- Children in conflict with law: Juvenile in “conflict with law” means a juvenile who is alleged to have committed an offence.

- Juvenile Justice Board: The State Governments are also supposed to constitute for a district or a group of districts, one or more Juvenile Justice Boards to deal with children in “conflict with law” and grant bail and dispose of such case in the best interests of the child.

Panchayat’s Role: When a child runs away from the village:

- The first step is to inform police because if Police and NGO workers identify the child, they will inform the local Police Station.

- Inform Childline, a helpline for children, nearest to your village by calling them up on 1098.

- Watch television and read newspapers, especially missing columns continuously for three, four months.

- When a runaway child is reunited to her/his family, talk to the child and parent(s) and try to identify the child’s problems within the family.

- Support the family in taking care of the child by linking them with required services.

- Ensure a conducive environment at home so that she/he does not runaway again.

- Thank the agency that brings the child back.

- To prevent every child in your Panchayat from running away, establish a missing child information system at the Panchayat level just as you establish a birth registration system or maintain population records.

- Children can be the best source for procuring such information, so give them the leadership role.

- Mobilise other Panchayats in your district to lobby with your State Government for establishment of a Child Welfare Committee and a Juvenile Justice Board in your district.

- Make more and more people aware of childline.

- Create neighbourhood watch dog bodies or vigilance committees to address the issues of domestic violence, alcoholism, corporal punishment, sexual abuse, discrimination based on gender, caste and disability and other factors that force children to run-away from home.

10. The Disabled Child

A disabled child is normally labelled as economically unproductive and is treated as an additional burden on the family. Parents do not send disabled children to school, as they believe that education will be of no use to the child. So, why should they further bear the burden on their shoulder? Only a fraction of disabled children seek admission in schools. Disabled children have special needs and we need to address these needs. If given opportunity they can also learn
life-supporting skills. Disability becomes a tragedy only if we fail to provide the things which one needs to lead one’s life.

**Laws:**

- **The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995:** This Act ensures equal opportunities for people with disabilities and their full participation and provides for both preventive and promotional aspects of rehabilitation like education, employment and vocational training, job reservation, research and manpower development, creation of barrier-free environment, rehabilitation of persons with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc.
- **The Mental Health Act, 1987:** This Act ensures that no stigma is attached to persons suffering from mental illness and mentally ill persons are to be treated like any other sick persons and the environment around them should be made as normal as possible.
- **The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999:** This is an Act to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected with them. It aims to provide total care to persons with mental retardation and cerebral palsy and also manage the properties bequeathed to the Trust.
- **Besides these laws there are some schemes and programmes or special provisions within programmes and schemes directed at children with disabilities such as:**
  - *The Integrated Education for Disabled Children Scheme,* was launched in 1974, to admit children with disabilities in regular schools;
  - *The District Primary Education Programme,* 1985, which acknowledges the fact that universalisation of education is possible only if it includes children with disabilities;
  - *The National Policy on Education,* 1986, promotes the integration of children with mild disabilities into the mainstream;
  - *The Project Integrated Education for the Disabled,* launched in 1987, encourages all schools in a neighbourhood to enrol children with disabilities;
  - *The National Trust for the Welfare of Persons with Autism, Cerebral Retardation and Multiple Disability, 1999,* recommends promotion of inclusive education;
  - *The Sarva Shiksha Abhiyan (SSA, 2000),* pledges that “every child with special needs, irrespective of the kind, category and degree of disability, is provided education in an appropriate environment”.

**Panchayat’s Role:** Panchayats must start by gaining more knowledge into the various disabilities and understanding what a disable person goes through even in his / her day to day life.

- The first activity that is required is for members to get to know more about disabilities, physical as well as mental. Only then will they be able to help others because different types of disabilities may need special and specific interventions.
- Establish contact with organisations providing services for the disabled and connect them with disabled children and their families.
- Create awareness in the community in order to disassociate the stigma associated with disability. They can play an important role in ensuring that the peer group as well as the community understand the challenges which the child is already facing and help him or her to overcome the difficulties and the barriers which otherwise may hamper the development of the child.
- Sensitise parents, families, and caregivers about the special needs of children with disabilities. Speak to parents in meetings as well as on a one-to-one basis. Actively involve parents of young children with disabilities as full team members in planning school and after school activities.
- Sensitise Aganwadi workers and teachers about the special needs for disabled children and create awareness and sensitivity about their rights.
- Monitor schools and other service providing institutions to ensure that children with disabilities are not discriminated against and their special needs are addressed.
11. Any other Issue related with Children

Beside the above issues, Panchayat can make intervention on any issue which directly or indirectly affect survival, development and/or protection of children. Village Panchayat historically enjoys tremendous social power as most proximate institution of village governance. It has constitutional sanction and legal authorities. In the current contexts across the states Panchayat members are more educated (many of the states have put minimum educational criteria for elections to Panchayats- this has also been recently approved by the Supreme Court of India in case of Haryana Panchayat elections, 2015-16) and so more informed. Many central and state sector developmental schemes have provisions for specific roles of Panchayats in ensuring implementation of the development schemes in their villages, as per the needs of villages. So, Panchayat could also ask different schemes and line departments to contribute to its efforts for survival and development of children. Moreover Panchayats now have their own flexible funds under Fourteenth Finance Commission grants and schemes such as MNREGS. Panchayats could therefore either use their own resources or could ask some scheme/department to contribute their resources in doing activities in villages which are beneficial to children of the villages. Panchayats can also facilitate convergence of various actors, actions and resources available in the village to good works for their children.

Whom Panchayats can Approach for Supports?

<table>
<thead>
<tr>
<th>Name of the Act</th>
<th>Nodal Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Juvenile Justice Act, 2000</td>
<td>Mandal- Mandal Revenue Officer, Village level- Village Revenue Officer , Panchayat Secretary, Police- Child welfare officer</td>
</tr>
<tr>
<td>Prohibition of Child Marriage Act, 2006</td>
<td>Panchayat Secretaries, Village Administrative Officers of Revenue Department at the Village level. (Child Marriage Prohibition Officers)</td>
</tr>
<tr>
<td>Right of Children to Free and Compulsory Education Act, 2009</td>
<td>Panchayat is the local authority at the village level.</td>
</tr>
<tr>
<td>Protection of Children from Sexual Offences Act, 2012</td>
<td>Police- Child Welfare Officer</td>
</tr>
<tr>
<td>Child Labour (Prohibition and Regulation) Act, 1986</td>
<td>Mandal Level- Labour Officer, Village Level- Village Revenue Officer, Panchayat Secretary</td>
</tr>
<tr>
<td>The Immoral Traffic (Prevention) Act, 1956</td>
<td>Special Police Officers</td>
</tr>
</tbody>
</table>

We’re all equal!

**Group Activity 3 (10 min)**

**Objective:** To discuss caste discrimination and its evils.

Go out of the training room and form a large circle. Imagine you are an NGO worker campaigning to end caste discrimination in your areas. What slogans would you shout, what short plays would you conduct, who would be your audience? One by one while standing in the circle, either read out a slogan, share a street play idea or share what audience would be the best to address.
Choller is a small village in Nalgonda district. It is the main village under the GP area. The total population is 2006. Total school going children are 291 and children going to Aganwadi centres are 40. The following institutions exist in the village.

1. Zilla Parishad High Schools (ZPHS) 6th to 10th class with a strength of 114 students and with 8 teachers.
2. Two primary schools (Class I-V) with strength of 40 children and 4 teachers.
3. Three Anganwadi centres with 40 children including one centre in hamlet village Marrigudem and two centres in main village.
4. Post office
5. Village veterinary sub centre
6. Primary health sub centre
7. Milk producers cooperative society
8. Gram Panchayat office building

In the Panchayat elections of 2013 Ms K. Aruna was elected as Sarpanch of the GP. Belonging to a social development background (NGO PEACE), new Sarpanch had a rights perspective. During her meetings with other Panchayat members, the issue of corporal punishment in schools came out as a serious concern.

The GP is located 120 kilo metres away from the state capital city of Hyderabad. Teachers working in the village schools commute daily from the city. Instead of prioritising children’s comfort and education, teacher’s times were adjusted. As a result the quality of education deteriorated and parents lost faith in the schools. Apart from this, out of 291 children 139 were attending schools located in the nearby town of Bhongir and the remaining 152 were attending the village schools. These children are from the families of under privileged and poorer sections of the village. Corporal punishment was rampant in all the schools. Though the school management committee was formed under right to information (RTE) act it was neither empowered nor was it active in its functioning. Therefore, there was no proper monitoring of the school activities like punctuality of teachers, quality of teaching and teacher behaviour with the children.

An incident in the school acted as a trigger for the initiation of measures for protection of child rights in the village. A mathematics teacher in the high school caned a girl. She got injuries in the hand. It was brought to the GP’s notice and the teacher was called for questioning to ascertain the facts. With the well-known background of the education system in the area, the Sarpanch took the initiative and counselled the teacher. Later Ms Aruna had an informal interaction with the students especially with the girl students and heard their stories. Based on the facts and narrations, the Sarpanch concluded that the concern was serious and ingrained in the system.

In order to promote rights of the children and ensure that children have a joyful learning the GP initiated several preventive and protective measures. These were:

- Formed “Child Protection Committee” (CPC) with 8 members- Sarpanch, Anganwadi worker, ANM, Ward members (2), Head Master, Parents (2) in 2014. The mandate of the committee is to protect the rights of the children by monitoring the functioning of the school especially attendance of teachers and preventing corporal punishment. Regular monitoring made teachers more conscious of their behaviour at school and with children. The committee also developed a plan of action to build awareness among the community on the rights of the child. It developed some slogans and wrote on the walls at important places in the village. These steps helped in generating awareness as people read about child rights at easily accessible spots in the village. Regular interaction with students brought out any new concerns and ensured that in case of any violation, a prompt reporting system is in place.

- Concerned over deteriorating environmental conditions in the village the GP resolved to greening of the school by plantations in collaboration with local NGO PEACE (People’s action for Creative Education). Children’s eco clubs and youth clubs were also formed. Eco club of children developed the environmental action programme.
• To retain the children in government school the ZPHS Head master proposed that English medium classes should be initiated in the high school. This is under the process.

**Challenges:**

The formation of CPC was not liked by the teachers. Initially they did not cooperate with it. There was no change in their attitude. As the committee garnered community’s support they teachers had to accept the existence of the committee. It took 6 months for the committee to allay the fears of the teachers that the committee was not to question the punctuality of the teachers but to facilitate teaching/learning process. They now understand if they do not show interest in teaching or are not punctual, the matter would be escalated to the villagers especially the CPC who would hold them accountable.

**Impact:**

The functioning of the committee conveyed a strong message to school teachers that they could not fool the system and will be held accountable for their misdoings. With this improvement in faculty’s approach, the government schools have been able to retain more children. The committee is hopeful that with introduction English medium the enrolment rate from 2016-17 academic year would also increase.

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**Case Study Analysis**

The above case study is a perfect example of a proactive and pre-emptive Panchayat which not only identifies the problem or the issue promptly, it also acts quickly to find and implement a solution to address the concern. The impact was not evident immediately but eventually it became clear that the Sarpanch’s strict steps to stall corporal punishment; ensure punctuality from the teachers and; increase attendance in schools by introducing English medium worked and was successful in improving the village’s education system for the children.

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**Summarising**

Panchayat Raj Institutions have been in existence since independence movement and so have the rights of the child as a part of the Indian Constitution. What was missing perhaps was the connection. The reason for the lack of that important link was the traditional Indian community and family system, which since the olden times accepted the children in the society as children of the entire community or the village. They were welcome in every household, they were treated as everybody’s children and so nobody hurt them, and it was a sin to hurt a child for the god-fearing communities. This doesn’t discount the existence of certain sects and cults that have in fact harmed children. Yet on a larger canvas, Indian society had been like a guardian to its children.

This system or culture faded away long time back but these beliefs continued. And so children became vulnerable to the ills of the society and the society failed to see the signs of the growing menace. The need for the local governance bodies like the PRI’s to get involved and address these concerns grew even more. India’s 73rd amendment in 1993 granted PRI’s the constitutional authority and enabling the Panchayat members as important actors in guaranteeing child rights at the local level. Being a local governance body, PRI’s are empowered to take the onus of raising awareness levels around issues like:

- Sex selective abortion and feticide
- Child marriage
- Child labour
- Child sexual abuse
- Trafficking
- HIV / AIDS
- Corporal punishment
- Caste discrimination
- Street & runaway children
- The disabled child

Panchayat members are elected from the same community where they serve and so they are more closely associated with the issues that rise from time to time. As they may have even grown in that system, they are well known to everybody and community or village people would respond positively to them as they try to spread awareness around child rights. Panchayat members would also be able to easily liaise with the local authorities while addressing any violations.
are the best suited to run a reporting or monitoring cell in the village or their respective areas as they would have a better comprehension of the local culture and customs and would understand how the people react to such intervention models. This decentralisation of governance for the sake of fulfilment of the child rights, can be one of the most effective tools if used to its full potential with empowered, educated and well informed Panchayat members.

## Test You Self!

1. India’s ___________________Amendment in ___________________granted PRIs the constitutional authority.

2. All children need protection, yet there are special groups of children that need more. Mention any five such groups of children:
   a. __________________________________________________________
   b. __________________________________________________________
   c. __________________________________________________________
   d. __________________________________________________________
   e. __________________________________________________________


4. As a Panchayat member, offer one suggestion to fight against sex selective abortion and feticide. __________________________________________________________

5. How can you stop a child marriage form being solemnized? Give two ways of stopping the marriage:
   a. __________________________________________________________
   b. __________________________________________________________

6. Child labour makes children prone to diseases like ___________________and ___________________and leaves them vulnerable to ___________________and ___________________.

7. True or false:
   a. India has the dubious distinction of having the world’s largest number of sexually abused children. _________
   b. Indian laws define child trafficking legally in the constitution. _________

8. As a Panchayat member, suggest the first step you will take when a child sexual abuse case comes to light. __________________________________________________________

9. The three basic rights that the Constitution of India guarantees to all citizens and stand applicable even if a person is HIV positive are:
   a. __________________________________________________________
   b. __________________________________________________________
   c. __________________________________________________________

10. Is there a law against corporal punishments in schools? _________

11. Is there a law against caste discrimination? _________

12. As a Panchayat member you are able to help a runaway child reunite with his family. What will you continue doing as a follow up after the reunification? __________________________________________________________

13. ________________________ Act, 1987 ensures that no stigma is attached to persons suffering from mental illness.
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In the previous module the role of Panchayat Raj Institutions was described in the field of securing child rights, ways and means of ensuring that the child rights are fulfilled and actively promoting the concept of a child friendly and a child secure village or community. This module takes the training further into the aspect of planning. As per Article 243G of the Constitution and State Panchayati Raj Acts, every Panchayat has to prepare annual development plan. Recent guidelines (4th Nov 2015) from the Ministry of Panchayati Raj, Government of India emphasizes on preparation of Gram Panchayat Development Plan. Securing and promoting child rights in an existing environment is one way to work in this field; the other is to either start afresh or modify existing plans of a village or community while integrating child rights perspective at every level. In doing so, children’s involvement becomes critical at every level of planning. Thus this module specifically focuses on keeping a conducive environment for the children to express their opinions and give suggestions in the development planning of the village, involving them from stage one of data collection, analysis and then offering solutions in tackling issues being faced by children. It may be noted here that rather than preparing an independent plan for children, child centres focus should be mainstreamed into integrated development of the Gram Panchayat. Alternatively child centred plan should be incorporated into village plan. It is expected that by the end of this module the participants will be able to discuss and propose more ways of involving children in the development planning of the village as well as be prepared to overcome any unforeseen barriers.

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Democratic Decentralization

It was after 45 years of independence, Mahatma Gandhi’s vision of keeping the village as the focal point in formulating any policy at the national level was actualised in the form of 73rd (and 74th) constitutional amendment giving powers to Panchayati Raj Institutions (PRIs) for preparation of plans and implementation of schemes. Thus, Indian constitution catalysed the process of integrated bottom-up planning from village/ward levels to sub-districts and districts level. Configuration of a body to facilitate the consolidation of all village and urban plans to prepare draft district plan is called the District Planning Committee (DPC). Every district where Panchayats have been elected has to constitute a District Planning Committee. The DPC are constitutional mandated and legally incorporated bodies. The DPC comprises members from both Panchayats and Urban Local Bodies. Either District Panchayat President or a nominated minister from state government is appointed chairperson of the DPC.

Participatory Planning

Participatory Planning means proposing some action plan to fulfil the common needs of villagers as per resources available. The Participatory Planning requires participation of one and all in the planning process. Here participation is not just physical participation but much more than that. Villagers should be informed and oriented and issues should be discussed in enabling environment before prioritizing the actions needed.

While participatory planning is the desired collective process, it has its own challenges. These challenges are diverse and can be categorised as participation related, capacity related, institutional, data & resource related and those falling under technological issues.

There are other equally important issues such devolution of Funds, Functions and Functionaries (3Fs), and the capacity building of local government representatives and officials. Government of India incentivized capacity building for planning by providing appropriate financial supports to states and also encouraged them to devolve the powers on the basis of principle of subsidiarity. Unfortunately majority of states have not devolved all required Functions, Functionaries and Funds (3 Fs). Though lack of devolution of powers and authorities restrict Panchayats to function optimally, their roles still remain critical in development of their villages in general and their children in particular.

Participatory Approach & Child Rights

Promoting and securing child rights in India is closely dependent on democratic decentralization and the use of participatory approach. Empowering the institutions of local governments that is, devolving genuine power and authorities to Panchayat Raj Institutions and Urban Local Bodies are feasible solutions to tackle the issues of rights violations and rights denial. The proximity of these institutions to children in their respective areas and their constitutional obligation to uphold child rights makes them the best suited governing bodies. PRI’s need to constantly work on and revise existing child centered plans in order to ensure the rights of the child are upheld in their constituencies. Children live in villages and/or urban areas. Their rights and lives are mostly influenced by local actors, local situations and local institutions.

Panchayats are democratically elected and constitutionally mandated, local governments in rural areas. Every child in the village is an acquaintance of a villager. A villager could be either a voter or member of the Panchayat of a village. So, Panchayats have moral, social and constitutional obligations to protect and nurture their children. This statement is further validated by the facts that almost all rights propounded by UN-CRC and National Policy for Children in India

We have a voice!

Group Activity 1 (20 min)

Objective: To discuss your understanding of participatory development planning.

Go out of the training room and form small groups of 3-6 members. Imagine you are groups of children in school. Suggest one way (per group) of participating in Gram Sabha to highlight your common problems and their possible solutions.
falls under the socio-legal jurisdictions of Panchayats. The UNCRC outlines the fundamental human rights that should be afforded to children in four broad classifications that suitably cover all civil, political, social, economic and cultural rights of every child. These fundamental human rights fall much within the jurisdiction of PRIs.

The Panchayats cannot achieve this objective in isolation; they need the help of the community members, children in their areas and local policing authorities. Thus the best way for PRI's to work on child centered plans is to use the participatory approach which would involve the citizens of the community, Panchayat members, social welfare groups like NGO’s, and children of the community as well. When all the relevant parties will be involved in the planning process for securing child rights, the impact of the program will be manifold.

**Child Centered Planning as part of Village Development Planning**

Planning involves gathering of relevant data, analysing it to set priorities, matching the set priorities to available budgets, defining processes of implementation, monitoring and evaluating the progress, and mobilization and allocation of necessary financial resources to meet the needs. A child centred plan is focused on needs, aspirations and desires of children. They find prominence in all the processes of planning. Their prioritization and steps to be taken for addressing them form the fulcrum in the planning process. Every Panchayat is supposed to prepare its long term perspective plan (usually for 5 years) and annual development plan for local economic development and social justice. The perspective plans are kept in mind while preparing the annual development plans. Plans are generally prepared for an entire community, village or town. Comprehensive plans mean that all the citizens including all children of the said area have been considered while drawing the plans for that particular community. A typical
plan needs to be participatory and inclusive, in order to enable the local governing bodies in ensuring the objectives are met. All the people of the community or village need to participate in the planning process in Gram Sabha meetings and voice their needs, aspirations and concerns. Children need to be heard and allowed to participate in the planning process as well since they are as important as the adults. Who can best represent the needs and concerns of the children than the children themselves?

1. Need assessment
Assessment of needs is one of the first steps taken up in the preparation of a village plan. By assessing the needs before preparation of plan, one gets to know exactly what is it that the community wants. We cannot rely on the secondary data alone which is available through secondary sources. A fresh need assessment exercise has to be done to find out what exactly are the needs and necessities of the community. In a child centred planning special attention is given to assess the needs of the children. This is done by children themselves. Elders of the village and Panchayat representatives can play facilitating role.

2. Data Collection
Planning entails collection of data and processing that data. Preparation and maintenance of children’s data base is necessary for developing a child centred plan. Collection and maintaining of this data by the Gram Panchayat is of utmost importance and this could be used as resource in stock taking exercise. In the available data pertaining to children mostly the information of school drop outs and children's health is found. Other data concerning incidences of violence against children, number of child marriages, extent of child labour etc. has not been given importance. With active participation of children, reliable data can be collected, generated, compiled and consolidated for planning, implementation and monitoring. Their participation in the process empowers them in understanding the situation practically and become change agents.

Data is gathered from both primary and secondary sources. Children are adept to collect this data. Once oriented it would not be difficult to get data from secondary sources like schools, Anganwadi centres, PHC, GP, Block office and different government departments. Extensive use of participatory exercises as part of planning would enable the children of the community or village to share information, report issues, problems, aspirations and vision of the village. They may also propose solutions for the same.

3. Situation Analysis
Situation analysis is undertaken to confirm that the plan is really responsive to local needs and people’s priorities, covering different sectors related to local level development. The situation analysis involves collection of quantitative data, primarily from the baseline survey and also the qualitative information from the participatory assessments. The Gram Panchayat will undertake a detailed situation analysis for each sector and present the same before Gram Sabha for initiating the process of planning. Based on the situation analysis, the Gram Sabha can form subgroups comprising of relevant officials, PRI functionaries, youth, women, children and other key stakeholders. In a child centred plan the Gram Panchayat members have to ensure adequate representation for children in these subgroups. The primary data being collected during baseline for a child centred plan should undergo a rigorous situation analysis so that it sufficiently meets the critical needs to secure child rights in the area.

When data is being collected from children, it should be imperative for the Panchayat members to ensure that it is collected with utmost sensitivity as children are in a growing phase of their lives with impressionable minds. Keeping that afore, the data maybe collected in the form of questionnaires, informal interviews, chat sessions etc. in order to gain the first hand opinion of the children. The children participating in the information gathering process should be encouraged to bring out not only what they desire for their village infrastructure but also to highlight any rights violations that may be taking place within the area without the knowledge of the village elders or Panchayat members. Using the data from primary sources and secondary sources, the present status of different children's development areas and status of child rights may be analysed and presented. Thus, it will be a synthesis of conclusions from quantitative data and the insights from peoples’ perceptions. A well conducted situation analysis would not only offer a sturdy base for child centred planning, it would save multiple reviews and revisions in the final plan. Situation analysis of children’s issues and rights may cover the following aspects.
1. Infrastructure / civic amenities
   - Schools, Anganwadi centres, parks, health centers
   - Challenges: Water, sanitation, cleanliness, lack of medical aid, proximity

2. Human development
   - Child health, nutrition, immunization, education
   - Challenges: Access to medical aid, medicines, vaccines, schools, books, teachers

3. Social development
   - Child survival, child labour, child development, child marriage
   - Challenges: Infanticide, feticide, dowry system, poverty

4. Violent Issues
   - Sexual abuse, physical abuse, mental abuse
   - Challenges: Stigma, timely reporting, policing authorities lack of interest

5. Governance
   - Child participation in providing information and data, and in child centred planning
   - Challenges: Access to all children of the village or community, myths around child’s opinion not being important

An example of situation analysis of a drinking water issue in a school

<table>
<thead>
<tr>
<th>S No</th>
<th>Sector Sub-Item</th>
<th>Bench Mark/Standards</th>
<th>Current Status</th>
<th>Plan for bridging the gap with reference to benchmarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Drinking Water in School (example)</td>
<td>Per capita Water Supply</td>
<td>1400 LPCD</td>
<td>850 LPCD</td>
</tr>
<tr>
<td></td>
<td>Frequency of water quality testing</td>
<td>Weekly</td>
<td>Monthly</td>
<td>Weekly</td>
</tr>
<tr>
<td></td>
<td>Durability of Water Supply Motor</td>
<td>Life time with very little maintenance cost</td>
<td>Frequent repairs</td>
<td>Replacement with a new motor with very little maintenance cost</td>
</tr>
<tr>
<td></td>
<td>Hygiene around water tap stand posts/Bore well</td>
<td>No cess pools and no water logging and waste water connected to drain/soak pit</td>
<td>Water logging, no soak pit</td>
<td>Proper drain and soak pit to be built collecting waste water</td>
</tr>
</tbody>
</table>

Child Budgeting as a part of child centred planning:

In India, the year 2000 saw the start of a budget for children with the initiative of HAQ towards this initiative.

Over the decade child budgeting has taken an important seat in the process of child centred planning. This broadly entails, including within the budget, the needs of the children. Budgeting for children essentially makes the entire process of planning inclusive and holistic from the perspective of children.

Budgeting for children also ensures the accountability of the government towards securing the rights of the children. In the scenario of panchayats, the plans at the panchayat level can include within themselves, a budget to address the various issues of the children of the Panchayat.

These budgets can not only include for the current issues of the children but also have within them, some extra allocation for any exigencies relating to securing the rights of a child.

1. Child budget Analysis

A child budget analysis is the periodic review/assessment tool similar to the regular budget analysis which helps identify/review the ongoing budget and the allocations and its effectiveness. A child budget analysis critically reviews the performance of the budget and also provides an insight into the existing gaps in the current budget. An analysis of child budget will help keep the panchayats accountable for their budgeting and representation of children in the development scenario.
A periodic child budget analysis will thereby act as a monitoring and evaluating tool to help assess the current situation and also prepare for the next plan process. One advantage of introducing a child budget analysis right at the level of Panchayats will help give some ownership to the entire exercise of child centred planning right at the village level. It also helps the panchayat members to understand the significance of this child centred planning and help put the concept of children in the development paradigm in a perspective.

Case Study: The need for child centeredness in development plans

Gram Panchayats in Udipi district of Karnataka took the initiative of planning and addressing the needs of children. These are voices of the children in a Gram Sabha in Udipi, Karnataka. They said, “We need compound walls, we need playgrounds, and electricity and water for our homes”. The GP took this seriously and looked into ways to solve their problems in the ongoing village development planning being undertaken.

Concerned for Working Children (CWC), an NGO based in Karnataka, initiated the first steps in the process of Makkala Panchayats. The initiative at first had roots in five gram Panchayats of Kundapur block — Kuradi, Uppunda, Balkur, Alur and Belve — where children were allowed their say in 1995-96. Their list, based on surveys done, was validated by data culled from the Panchayat office. Their resolute efforts led to the adoption of these demands by the gram sabha, following a series of ward sabhas. They not only raised their issues but also the issues of the village in general. When the children presented their plans in a meeting of the district administration, the Chief Executive Officer (CEO) was influenced and requested that the process be scaled up in other 49 Gram Panchayats of the block as well. The facilitating organization, CWC accepted it and promoted the participatory planning process.

As per the documents available the CWC adopted the following steps to involve children in the planning process:

- Training of children of data collection and management

Case Study Analysis

This case study enforces the belief that children’s participation in child centred participatory planning is critical. An NGO’s initiative to ensure children’s voices are heard and their participation is encouraged in the development planning process enabled the children to participate in data collection, collation and analysis, and identifying and prioritising needs and issues.
Children’s Participation in Village Development Planning

Participation is considered a pre-condition in any democratic decision making process. In the existing institutional structures for decentralized planning there are ample opportunities for the children to participate. That teaches the children to be informed citizens and actively participate in matters that concern their own well-being. However, the willingness of the people to channelize this participation in the right direction is a matter of concern. In order to include children in the planning process there are some prerequisites to decentralized planning which are not met to the required extent in our country. The knowledge and skills required are sometimes inadequate for Panchayat representatives, adults and children as well. Thus there’s a need for a lot of capacity building activities, training and awareness raising campaigns before decentralized planning can set a solid foundation alongside the grass roots of this country. Regular meetings organized under planning process would help children gain practical insights in planning. They should be organized so frequently so as to prepare village plans effectively.

Organized participation of children should be encouraged, as it gives children collective strength, confidence, energy and enthusiasm. Organizing children should be seen as an enabling factor in their effective and well defined participation in a sustained manner. For the sake of making it interesting for the children a name could be given to such initiatives like children’s clubs, children’s collectives etc. Such initiatives should be mandated with facilitating securing of rights for all children and taking up issues concerning them in their area. Such steps would ensure that children feel comfortable and free to discuss problems and issues with their peers. They need to meet and communicate among themselves on a regular basis. They should utilize the platforms available in the villages in an effective and efficient way. In this aspect a good facilitating Panchayat should extend all support to the children.

As far as decentralized planning is concerned it begins with the discussion and decision on the local level needs, their prioritization, formulation of plans and their implementation and monitoring as well as evaluation. At present there is no concerted effort by the Panchayats ensuring participation of children in decision making processes at the village level. In order to make it happen the members of the Panchayat have to be oriented on the issues and rights of the children first. Apart from these other processes that would contribute to children’s participation in decentralized planning are meetings of Gram Sabhas and Gram Panchayats for plan approval, data collection, processing, and prioritization of needs. It is the responsibility of the Gram Panchayat to ensure that children have a fair representation when sub groups are formed to implement the approved plans.

Children & Vision for the Community / Village

Children’s participation in all the processes of planning to express their views and ideas is essential. The vision of a Panchayat would normally address three aspects of development, namely, human development indicators, infrastructure development and development in productive sector. Though child rights would spread across all three sectors, they could largely form part of human development indicators. In the process of creating a vision for the village or community, a high degree of people’s participation is required and the same should be ensured for children as they play an important role in the design of the entire Panchayat plan. In the absence of adequate participation from the children of the village, the opinions and proposals would be one sided. Issues like Prevention of child marriages, malnutrition, school sanitation, mobility of differently-abled children etc. may get neglected in the final plan. It is critical to allow children to express their issues and problems freely so that the village vision can be balanced and inclusive. In order to ensure their meaningful participation in the envisioning exercise, children need to be capacitated. Children’s leadership can be identified and nurtured by forming “Children’s Collectives” so that they play...
effective role in overall village development. These collectives at block and district levels would exert pressure and ensure inclusion of child rights in the plans. In the participative citizen surveys that are conducted during the planning process children’s views, needs and vision of the village should find an important place.

Example 1: UNICEF has initiated child-centred village planning in Gujarat to empower the community with knowledge of desirable behaviour to enhance child survival and development. Despite being an economically developed state, 60 infants out of every 1,000 live births in Gujarat do not live to celebrate their first birth day; one out of two children below five years is malnourished; and about 33% children are born with low birth weight. It is hoped that village planning process will act as a powerful tool to bring about behaviour change at family level and help in reducing infant mortality and levels of malnutrition.

During the five-day process, the team of women of Vasudhara Dairy conduct a house-to-house survey about the current knowledge, attitude, and practices of people related to child health, water, sanitation and education. The process culminates in a Gram Baithak held on the fifth day. In this meeting, the entire village comes together and the village planning team presents the survey results. Based on these results, people identify issues related to children and voluntarily take responsibility to resolve these. It was as a result of this Gram Baithak in Tanki, a remote interior village in Dharampur that fifteen village women realized the need for toilets in their houses and decided to have them constructed. This is a revolutionary change in attitude given that the people are used to open defecation in this village. It is no small task for the women of Vasudhara Dairy to contribute to the process of development - moving from the micro-level of their house to the macro-level of the district. Not only has village planning led to change in knowledge and attitude of people but it has also built a rank of women leaders who now feel empowered enough to make change happen in villages of Valsad.

Example 2: Villages in Guna district in the state of Madhya Pradesh are experiencing a positive change which will go a long way to give district’s children a right start and bring improvement in the lives of women of the district. It all started in the year 2005 and method adopted was quite simple. It was based on the norms of Participatory Rural Appraisal (PRA) system. With the help of the local NGOs, social maps were prepared to assess the distribution of the available resources in the villages and areas identified where services such as hand pumps, Anganwadis or health centres are needed. Household /family surveys are conducted to collect basic information about the village, communities and needs of children primarily in the areas of health, education, nutrition, drinking water and sanitation in addition to information on socio-economic conditions. These issues were then taken up as a basis for preparing village plans by the community groups for presentation and approval in a special Gram Sabha or a Village Meeting.

In addition to this village communities were given regular information about the various services available to them, mainly in health, education, nutrition and sanitation and encouraged to demand timely, effective and uninterrupted provision of these services. The villagers are also sensitized towards the importance and utility of the services like vaccination, birth certificates, institutional delivery, immediate and continuing breast feeding, nutritious food, regular health check-up, cleanliness, sanitation and education. The entire process was facilitated by volunteers of NGO’s who were supported and trained by UNICEF and in partnership with district administration. It was a children centric process by the people of the district and a step towards strengthening decentralization process in the district. Since the process revolved around children and women, it has helped to bring their ‘agenda to the forefront of planning’ by the district. The intensive process which was followed has helped increased engagement between community members, NGOs and the district delivery system and supported in strengthening implementation of the initiatives by the state for women and children. Village micro plans of all the villages in Guna are ready and district response team has worked out an action response plan and they are responding to the needs of communities.

We can help!

Group Activity 2 (10 min)

Objective: To understand the levels of children’s participation.

Form groups of 3-6 members. Each group to decide on one job from this list – questionnaire filling, interviews, data collation, data analysis, situation analysis, suggestions from community, suggestions from the children. Each group to fabricate a scenario and complete their tasks on paper and discuss the challenges faced while doing so.
Building a Child Centred Plan

Fabricated Scenario: the kuccha path leading to the village school has a large puddle pot hole that fills with drainage/rain water frequently and becomes a haven for mosquito breeding. Villagers have placed bricks/rocks for children to hop over the almost permanent puddle while going to school. The puddle creates risk for deadly vector borne diseases as well as children slipping, falling and hurting themselves.

Step 1: Identify local needs
Identify the needs of the children in the village and the possible solutions as per their suggestions, since they are the ones directly affected by the problem. Local officials, CBO’s, field workers of voluntary organizations, teachers, women, and most importantly children of the village must be involved in consultations and discussions.

Example: in the above scenario children’s feedback is critical as to the difficulty they face while crossing the puddle especially the smaller children. The feedback and the opinions and suggestions from the parents and teachers is very important.

Step 2: Collect Basic Data
The aim of collecting data with the help of questionnaires and personal interviews is to form a factual baseline picture that would help in setting goals. Participatory Rural Appraisal (PRA) is a practical and effective tool for participatory data collection and analysis.

Example: a questionnaire with questions covering (a) the exact nature of difficulties and risks involved for children while crossing the puddle everyday (b) suggested solutions by children, parents and teachers and (c) the generic information of the children, parents and teachers like their names, age, address etc. would be helpful in data collection.

Step 3: Formation of Working Groups
The aim of a working group is to analyse and compare data, draw inferences and identify priority areas for intervention. Working group participation would include Panchayat members, village elders and most importantly children. A detailed delegation of roles would aid further in streamlining the implementation process.

Example: it is the Panchayat’s prerogative to set up a working group involving some older school going children, some parents, some teachers, Panchayat members and village elders. The working group analyses the data from all the questionnaires collected and analyses the data. The priority areas identified are (a) to transform the path into a pukka or cobbled road (b) until the pukka or cobbled road is built, spray anti mosquito breeding solution in the puddle everyday (c) until the kuccha road is transformed, an alternate route should be identified with signs for diversion.

Step 4: Formulation of Objectives
It is a critical step in participatory planning as it defines the specific needs and objectives precisely. This step also helps identify the various available resources within the local governing body for the plan to work. In case required the resources maybe outsourced as well in order to meet the objectives.

Example: the objective in this scenario is to provide for a comfortable and conducive walking path for children to enjoy going to school every day. The resources within the Panchayat constituency and outside sources for funding the building of pukka or cobbled road need to be identified.

Step 5: Deciding the Strategy
This is the most difficult part of the planning process. It involves assessing and mobilizing needed resources and choosing the planning methods. It is also important here to choose for a contingency plan in case the set path fails to achieve the objective. Once the course of action has been chosen and decided upon, it is crucial to explain and specify the clear terms to avoid confusion and misunderstanding among the various stakeholders including the participating children.

Example: in this scenario the strategy is to divert available resources and funds to build the pukka or cobbled road on a priority and in case of lack of resources or funds, outside help from the government schemes and programmes should be sought.

Step 6: Ensuring Feasibility
At this point is important to pause and consider the practicality of the objectives, whether the assumptions around available resources are realistic, the participating officials, elders and children can handle.
the tasks, and lastly would the plan work in achieving the objective.

**Example:** in this scenario the working group along with the Panchayat of the village need to meet regularly to see if the suggested solutions, available funds and the capacity of the working group would ensure the successful closure of the plan.

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### Step 7: Preparing the Working Plan

This is like a blueprint of the plan for the decentralized project management. The work plan should include activities for the implementation of the project, names of people involved and responsible for each activity, starting and completion time for each activity, and the means to carry out each activity. Below is the suggested work plan format.

<table>
<thead>
<tr>
<th>Name of the activity</th>
<th>Name of the people involved</th>
<th>Time schedule</th>
<th>Resources Required</th>
<th>Acceptance or Availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Pukka or Cobbled road</td>
<td>Children- Shanti &amp; Ram; Parents: Kanta &amp; Rani; Teachers: Gayatri &amp; Seema; Panchayat members: Ramesh &amp; Ravi;</td>
<td>12-02-16</td>
<td>Funds (in-house), contractor (outsourced), working group (in-house); All available</td>
<td></td>
</tr>
</tbody>
</table>

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### Step 8: Preparing the Budget

The material and the human resource required for the plan must be given a monetary cost. The cost maybe broken down further in terms of a time frame and whether the resources are available in house or need to be outsourced. External resources like government grants or loans from financial institutions may be used. Below is the suggested budgeting format.

| Example: the following format can be filled to have a fair idea of the budgeting plan. |
|---------------------------------------------|------------------------------------------|---------------|----------------------------------------|
| **Item**                                   | **1st year cost**                        | **2nd year cost** | **Total Cost** | **Sources of Funds** |
| Material                                   |                                          |                |             |                      |
| Equipment                                  |                                          |                |             |                      |
| Personnel                                  |                                          |                |             |                      |
| Travel                                     |                                          |                |             |                      |
| Training                                   |                                          |                |             |                      |
| Official                                   |                                          |                |             |                      |
| Others                                     |                                          |                |             |                      |

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**Example:** In 2004, children (10-15 years) from 54 Gram Panchayats of the Kundapur block, were trained by CWC on collection, collation and analysis of data. Following this the children were engaged in data collection in their respective Gram Panchayats. After collecting data and analysing it the children listed out the problems and possible solutions. The documentation and data was sufficient for them to place demands for the planning process. In the process they identified the data gaps and gathered information from GP to fill. For each problem, the children listed the affected families and arrived at their own suggested solutions, appended to the costing by the local Panchayat. They also brought out concerns like the number of houses in a village that lacked electricity, how many girls dropped out below 14, lacking an accessible Aganwadi centre or high school, and the prevalence of child marriages. The adults felt motivated and contributed to the process. In the first five Panchayats, the school blocked time for their exercise. For updates, they chalked out schedules in their own free time over weeks or months, with each child visiting three or four houses. The effort brought the ground reality that priorities of adults and children differ. For the school going children the problems of footbridges, drinking water, the Aganwadi or the location of ration shops, are acute. When they shared these during the village planning process, the adults had a different opinion. For the adults, streetlights, pucca roads, drinking water and so on were the priorities. Eventually adults recognized children’s contribution and in the process entrusted them with the responsibility of community leaders and resource people for the whole block. Gram Panchayats extended their support to the innovative effort of the children by accepting the plans and assimilating them.
in the Panchayat’s plans. Another significance of the initiative is acceptance of children’s data-based inputs as part of the 2002-2007 five-year plans. Thus, children’s plans were formalized.

**Accessing other Resources and opportunities for Planning**

There are a number of schemes and initiatives undertaken by different agencies which may not be in direct control of Panchayats. But those initiatives are targeted for children and adults of villages under the jurisdictions of Panchayats. That is objectives of those schemes often match with the needs of Panchayats. There are many development schemes from Central and State governments which specifically require consultations and suggestions from the Panchayats. In all cases, Panchayats can access these human and financial resources to complement its planning process and implementations of the plans. The details of different schemes are given in separate sheet in table 1 below.

**Challenges to a Child Centred Plan**

It is a human right to participate and express views, needs and experiences. Children have their own views and these may differ from those of adults. Children have needs and experiences that must be considered when making decisions that affect children. Though it has been recognized that children have the right to participate in decision making processes that affect them, it is yet to be realized and implemented completely. In the Indian setting, children have always been considered as the citizens of tomorrow and not today. This stems from the age old belief that children do not have the potential to express and articulate their needs and concerns. They do not have the capabilities to contribute to the decision making processes. In this context children’s right to participation in local governance in general and decentralized planning in particular is not accepted well by the elders of the community. Thus, at present our village plans accord less importance to children needs as these don’t seem to take precedence.

**Ways to Overcome the Challenges:** In order to actualize decentralized planning we need to capacitate the elected representative as well as officials. A lot of awareness generation among the communities on various processes planning is also required. When children are involved in the planning they need to demonstrate that they can better articulate their needs and concerns. Other factors that will enable adults to understand and realize the potential importance of children in developing a holistic plan for the village include:

- They should collect relevant information about a problem in order to substantiate their argument and convince people. They need to have clarity on the issues they are representing.

- Awareness raising among village adults around children’s basic rights and that in the absence or denial in exercising these, they may experience violence, exclusion and suffering.

- In the capacity building programmes for elected Panchayat representatives there should be a component of child rights in their curriculum. They need to be sensitised on child issues and oriented on the importance of realisation of child rights.

- Children’s participation in the plans will have a comprehensive view of the village and it would strengthen the decentralised planning process in the village.

- Children through their active interface with the Panchayat need to dispel the beliefs and misconceptions concerning their expertise and purpose in governance and decentralised planning.

- If children could make a difference through their active participation, it would strengthen the planning process.

- Adults should realise that only children can understand their problems in a better way. For example in a school lack of proper sanitation facilities is a problem perceived by the girl students. The same may not appear acute for the parents.
• The problems raised by children are not necessarily children's problems; they maybe issues related to the entire village as well.

• Along with children, adults belonging to marginalised sections would also know and understand the planning process and have access to information, which is now restricted to a handful of people who plan for the entire village.

• Children's participation contributes to active participation from adults with the knowledge and skills needed for information gathering and analysis.

• Trainings conducted for enhancing the capacity on planning should include both adults and children. Adults here include parents, Panchayat representatives, school teachers and other government officials.

• Adults also need to be more receptive to children's views, accept criticism and encourage their effective participation in planning processes.

Table 1: Opportunities and Accessible Resources under Different Schemes

<table>
<thead>
<tr>
<th>S No</th>
<th>Name of Scheme</th>
<th>Vision for Children</th>
<th>Suggested roles for PRIs</th>
<th>Possible resources which Panchayats can access and use</th>
<th>Remarks, if any</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Immunization</td>
<td>Total Immunization for all children in the age group of 0-6 years.</td>
<td>To ensure the availability of the ANM at the village level. Monthly review to check the status of immunization</td>
<td>The scheme of ICDS is centrally sponsored under the five year plan. The physical contribution of these field functionaries is the key resource available to the Panchayats as specific needs can be addressed.</td>
<td>The components of ICDS are shared between the Central and the State/UT in the ratio of 90:10, except for the nutrition component which is shared in the ratio of 50:50.</td>
</tr>
<tr>
<td>2</td>
<td>Total Immunization</td>
<td>Total immunization for all children and 100% vaccination programmes.</td>
<td>Convergence meetings with the field level functionaries.</td>
<td>The scheme is funded thorough the SERP at the state level. The ANM and the Anganwadi worker are the key persons who will deliver the services through the Anganwadi Centres.</td>
<td>The field level functionaries play a key role in ensuring that the panchayats can utilize the benefits of the scheme. The panchayats can ensure convergence of the departments to ensure maximum reach.</td>
</tr>
<tr>
<td>3</td>
<td>Balancing the Sex-ratio: Beti Bachao, Beti Padhao</td>
<td>Balancing sex ratio and securing the right to life of the girl child</td>
<td>Advocacy and awareness programmes for all the parents against sex selective discrimination and abortion. PRIs can take up a review of the sex ratio in the village and interact with the parents. Regular interaction for ensuring education of the girl child</td>
<td>This is a centrally sponsored scheme. This is essentially an awareness and advocacy program which aims to create changes in the attitude of the people towards the girl child.</td>
<td>The specific objectives of the scheme are: i. Prevention of gender based sex selection ii. Ensure survival of girl child iii. Protection of the girl child and iv. Ensure education of the girl child. The programme is a joint initiative of Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Human Resource Development.</td>
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<tr>
<td></td>
<td>Roles of Panchayats in Safeguarding the Rights of Children</td>
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<tr>
<td><strong>4</strong></td>
<td><strong>100% institutional delivery: Janani Suraksha Yojana</strong></td>
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<tr>
<td></td>
<td>Ensuring that the funds and knowledge regarding the same are accessible to the women through the schemes. Advocacy on the benefits of institutional delivery.</td>
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<td></td>
<td>The scheme is centrally sponsored under the National Rural Health Mission. This is a component of the National Social Assistance Program which provides the beneficiaries money through the various existing schemes like ASHA.</td>
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<td></td>
<td>The packages under this scheme are: Low performing states: Mothers’ package (Rs. 1400), ASHA Package (Rs. 600) totalling Rs. 2000. High Performing States: Mothers’ package (Rs. 700), ASHA Package (Rs. 600) totalling Rs. 1300. (These costs are applicable to rural areas only.)</td>
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<td><strong>5</strong></td>
<td><strong>Improving nutrition status for all, with special focus on children, adolescent girls, pregnant women, and lactating mothers: Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) - SABLA</strong></td>
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<td></td>
<td>The aim of the scheme is to ensure nutrition and development of the girl child through nutrition and non-nutrition components which include a regular check-up and counselling.</td>
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<td></td>
<td>The PRIs can ensure the availability of the central resources in ensuring implementation. The PRIs can take an active part in these health check-ups and motivate and advocate the importance of the nutrition for girls and women.</td>
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<td></td>
<td>It is a centrally funded scheme under the Ministry of Women and Child Development with 100% central fund. In the nutrition component, the money would be shared in the ratio of 50:50 between the State/UT and Central.</td>
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<td></td>
<td>This program helps contribute to the health component of the girl child, thereby adding value to the right to survival of children.</td>
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<td><strong>6</strong></td>
<td><strong>Improving nutrition status for all, with special focus on children, adolescent girls, pregnant women, and lactating mothers: Integrated Child Development Services (ICDS)</strong></td>
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<td></td>
<td>ICDS is a central scheme which covers 6 aspects for children and pregnant and lactating women which is monitored and managed at the state government level.</td>
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<td></td>
<td>The role of PRIs is ensuring the availability of the field level functionaries.</td>
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<tr>
<td></td>
<td>This is a centrally sponsored scheme from the Ministry of Women and child development. This is shared between Central and State/UT in the ratio of 90:10 since the year of 2009-10, except for the nutrition component which is in the ratio of 50:50.</td>
<td></td>
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<tr>
<td></td>
<td>The six components of ICDS include: 1. Immunisation of 0-6 age group children 2. Supplementary nutrition to children, pregnant women and lactating mothers 3. Health check-up of children, pregnant women and lactating mothers 4. Referral services 5. Pre-school non-formal education to children 6. Nutrition and Health information to women.</td>
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<tr>
<td><strong>7</strong></td>
<td><strong>Universal access to basic health facilities consisting of health card, medical examination: Integrated Child Development Services</strong></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Non-formal education to pre-school children</td>
<td></td>
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<td>The role of the PRIs essentially includes ensuring the proper functioning of the Anganwadi centre and the availability of a worker.</td>
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<td>This is a centrally sponsored scheme where the Anganwadi centres are the focal point in teaching the pre-school kids. This component of ICDS is addressed centrally sponsored. The available resources available to the Panchayats include is the work/physical inputs from the Anganwadi worker.</td>
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<td></td>
<td>Pre-school education plays a key role in the child’s life. The role of education in the formative years is important and is a major component of the right to development.</td>
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</tbody>
</table>
| 8 | **Universal access to education facilities up to class X and retention:**  
**Scheme for the Welfare of Working Children and Children in Need of Care and Protection** | To bring into mainstream education the children in the workforce | To identify the number of children in the workforce include the children of migrants. To ensure advocacy to these parents on the importance of education for these children | This is a centrally sponsored scheme under Ministry of Women and child development. There is a trained person who is available to the Panchayats to take care of these crèches to enable the mothers to work. | This scheme also provides for these children vocational training to become self-sufficient. Health care and nutrition for these children are also taken care of. |
| 9 | **Universal access to education facilities up to class X and retention:**  
**Strengthening Education among Girls in Low Literacy Pockets** | To ensure education to the girl children from the Scheduled tribes to ensure higher literacy rates in the low literacy belts of the country | To identify the children in the GP who fall under this category | The scheme is sponsored by the Ministry of Tribal affairs implemented by the civil society organizations and the State Tribal Education Societies. | This scheme provides grant in aid for running the educational complexes for the ST girl children to ensure higher literacy rates. |
| 10 | **Universal access to education facilities up to class X and retention:**  
**Umbrella Schemes for Education of ST Children: Establishment of Ashram Schools** | Educational infrastructure for the Tribal Children | To help identify the population of ST children. To ensure proper utilization of the resources received. | Sponsored by the ministry of Tribal Development, this scheme provides grant for the construction of residential schools for the tribal children. | Children from the marginalised community require a special focus to ensure that their rights and entitlements are not denied. |
| 11 | **Universal access to education facilities up to class X and retention:**  
**Eklavya Model Residential Schools (EMRS): Proviso under Art 275(1) of Constitution** | Residential schools on the standards of KVs/ JNVs | To help identify the ST students in the surrounding area including the migrant children To provide assistance in terms of guiding these children to these schools | Sponsored by the ministry of Tribal Development, this scheme provides for setting up the Eklavya Model Residential schools and running the same. | Education is a major component of right to development in the context of all children. Children from the deprived sections of the society need it to ensure that their other rights are protected. |
| 12 | **Universal access to education facilities up to class X and retention:**  
**Common Programmes for SCs and Other Backward Classes** | Coaching assistance to SC and other backward class students to compete on par with the general category students | To ensure that the children are able to take the advantage of the available scheme. To identify the beneficiaries and provide convergence | This is a completely centrally sponsored scheme for families with income of upto Rs 3 Lakh per annum. The Ministry of Social Justice and Empowerment sponsors the same. | Education plays a role in the holistic development of a child. It is important to consider both class and caste to ensure that no child is denied their right. |
| 13 | **Universal access to education facilities up to class X and retention:**  
**Pre-Matric Scholarship for Other Backward Classes** | Scholarship for OBC students in high school | To identify the OBC students in the village who need assistance | The Ministry of Social Justice and Empowerment centrally sponsors this program for the children in need from these groups. | Education plays a role in the holistic development of a child. It is important to consider both class and caste to ensure that no child is denied their right. |
<table>
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<th>No.</th>
<th>Program Name</th>
<th>Objective</th>
<th>Details</th>
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</table>
| 14  | Universal access to education facilities up to class X and retention: **Pre-Matric Scholarship for Children of Those Engaged in Unclean Occupations** | To identify children from these groups | To identify children from these groups.
To help provide assistance to these groups to enrol their children in schools.
To help disseminate information and advocacy on these available policies and programmes.
This is a centrally sponsored scheme by the Ministry for Social Justice and Empowerment.
Children of these lower castes have been under the threat and the lack of proper rights for a long time. By providing these entitlements, it is a step towards their inclusion into their entitlements and to lead a normal childhood. |
| 15  | Universal access to education facilities up to class X and retention: **Pre-Matric Scholarship for SC Students** | Reducing the drop-out rate during the transition from middle to high school due to lack of financial resources. | Identifying the drop out rates in the schools in this age group.
Advocating against drop outs and disseminating the information on the scheme to the children.
This is centrally sponsored by the Ministry for Social Justice and Empowerment. The families which have income of up to 2 lakh per annum can be eligible.
Education plays a role in the holistic development of a child. It is important to consider both class and caste to ensure that no child is denied their right. |
| 16  | Universal access to education facilities up to class X and retention: **Beti Bachao Beti Padhao** | Universal enrolment of girl child and reduced drop-out rates of girl students. This also includes having functional toilets in the schools to facilitate the girl students. | Ensuring advocacy on the importance of education for girls.
Ensure the functioning of the village school and provide conducive atmosphere to the girl students.
This is centrally sponsored by the joint venture of Ministry of Human Resource Development and Ministry of Women and Child Development.
It is important to ensure that girls and women have equal opportunities. This scheme by providing for the education of the girl child, ensures the right to survival, development and protection of a girl child. |
| 17  | Universal access to education facilities up to class X and retention: **Sarva Shiksha Abhiyan (SSA)** | Universalization of Primary education for all the children. | To ensure the functioning of the schools and availability of teachers.
Ensuring information dissemination to the parents.
Ensuring that the scheme is accessible to all the beneficiaries.
This is a central government programme by the MHRD Department of School Education & Literacy administered in partnership with the respective State/UT governments.
Primary education is the first step in the development of a child. By ensuring universal primary education, we are allowing for a child's interests to be protected. |
| 18  | Universal access to education facilities up to class X and retention: **Navodaya Vidyalaya Samiti (NVS)** | Access to education for the children in the rural areas in all districts. | Information dissemination to the student about these schools.
This is a central government initiative by the MHRD Department of School Education & Literacy.
Residential schools ensure holistic development of a child. |
| 19  | Universal access to education facilities up to class X and retention: **Rashtriya Madhyamik Shiksha Abhiyan (RMSA)** | Access to education in the educationally backward blocks. | Identifying the children in these backward areas.
Providing information to students.
This is a central government initiative by the MHRD Department of School Education and Literacy.
Socially excluded children deserve special care and attention towards receiving their rights and entitlements. |
| 20 | Universal access to education facilities up to class X and retention: **Scheme for Providing Education to Madrassas/Minorities** | Improving the quality of education in these minority educational institutions to help the Muslim students achieve the same standard of education as in formal schooling. | Ensuring the availability of these institutions in the respective areas. Providing support and assistance to the same in terms of access to schemes and funds. | This is a central government initiative by the MHRD Department of School Education and Literacy | All educational institutions, require some support and motivation to cater to the needs of the vast and diverse population. |
| 21 | Universal access to education facilities up to class X and retention: **School Quality Assessment Programme** | To ensure quality of school education with regular performance reviews. | The panchayats can help by conducting regular reviews at the GP level to ensure the quality. | This is a central government initiative by the MHRD Department of School Education and Literacy | Monitoring and evaluation forms a major part of any scheme. By assessing the quality of the education, there is a provision for rectifying the gaps in the existing system. |
| 22 | Universal access to education facilities up to class X and retention: **NTR Vidhyonnati** | Free education schemes within the State of AP announced periodically | The role of Panchayats essentially lies in coordinating regularly with the state government for these schemes and disseminating the information. | This is a state funded periodic program. | Education programmes announced periodically ensure that any gaps in the existing schemes are addressed. |
| 23 | Universal access to education facilities up to class X and retention: **Bangarutalli** | To ensure the protection and development of the girl child | Advocating to the parents the importance of girl child | This is a programme under SERP which provides for monetary incentives for the parents of the girl child for immunization, education and higher education. | Schemes for the girl child address a holistic issue of their survival, development and protection. |
| 24 | Activities for violence and crime-free villages such as: a) Setting up Citizen Committees b) Sensitisation, especially of youth | To ensure child protection at family and community level | Advocating to the community members the importance of child protection | This is a scheme under Integrated Child Protection Scheme under the Ministry of Women and Child Development | Child protection includes within its purview, ensuring that children are safe from being involved in any crime or violence. By advocating and ensuring the same, we play a role in protecting the child. |
| 25 | Pro-active steps for inclusion and integration of socially excluded groups, especially Scheduled Castes and Scheduled Tribes: **Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers** | To provide care for the children where the mothers are involved in labour/workforce | To ensure that these services are accessible to all the community members. | This scheme provides for a crèche system for the children between 0-6 years where the family income is less than 12000 a month and the mothers are working. | A child deserves care and concern till he/she attains a certain age. To allow for the mother to continue work and not leave the child unattended, this scheme plays a role. This scheme helps prevent a child from being neglected. This scheme also enforces the right to protection of a child. |

**Source:** The table has been prepared on the basis of data available with Department of Rural Development, Ministry of Rural Development, Government of India and National Institute of Rural Development and Panchayati Raj, Hyderabad; “Samanvay”, A compilation of Central Sector, centrally sponsored and State Schemes for convergence under Sansad Adarsh Gram Yojana and PRIA's own internal data.
Case Study: Children’s participation in ensuring girls/women rights

PRIA (Participatory Research in Asia) has been working in Sonepat, Haryana since 2007 on various human rights issues. On a regular basis PRIA has organized training as well as awareness building campaigns in this area in order to disseminate information on various issues. The famous 2013 Nirbhaya case in Delhi, stirred the young people all over the country and in many villages as well. On conducting a survey PRIA realized that the youth of that area desired a program to be initiated which would try and change the mind sets of the people to prevent further atrocities against women. The program was initiated in 20 villages in Sonepat, in October 2013 and called ‘Kadam Badhao’. The youth of the villages came forward to help run this program and disseminate information on women rights. The biggest challenge was to bring the young girls out of their homes for these training and awareness generation sessions. The solution offered by PRIA was that the mothers of the girls could attend too and understand what women rights are and how to be more well equipped to tackle the violations and issues. Gradually the program picked up speed and the girls and women willingly started discussing the issues and rights approach with other women and even with the men in their households. The program’s success can be gauged from the fact that the youth, both girls and boys came forward to conduct a safety audit and start a monitoring cell to find out where and when a violation takes place. They drew their respective village charts marking each and every house and place of importance. The plan was simple yet effective. All the men, women, girls and boys of the village were asked to look at the chart and stick a smiley sticker on the place where they felt safe, a sad sticker where they felt unsafe and straight face sticker on the place where they felt was sometimes safe and sometimes unsafe. The results were shocking. Girls did not stick a smiley sticker anywhere on the village chart saying that they didn’t even feel safe in their own house, leave alone anywhere in the village. Other various issues that got highlighted after conducting this safety audit were domestic violence, dowry, no education for girl child, rape by husband, eve teasing, harassing girls near schools, drunken comments etc. The youth managers of this program called for a gram sabha and placed the audit charts in front of the Panchayat members and the elders of the village. There was shock and disbelief on their faces. The youth suggested some solutions like CCTV cameras in the schools and villages, regular police patrolling and functional street lights all over the villages. There was a written oath prepared which vowed to protect the women and the girls in the village and all the Panchayat members took the oath publicly vouching to make their respective villages a safe haven for girls and women. The campaign was implemented with full throttle and ran with a lot of energy. Regular Panchayat meetings started being held, Panchayat members started supporting the girls and women in their villages and stood against the violators, liquor shop in one of the villages was shut permanently, street lights were installed in many places in villages and so on. The program was a success!

Case Study Analysis

This case study exemplifies the importance of children’s participation in child centred planning process. The youth not only conceived a plan to tackle the issues of harassment and violation against women; they implemented the plan, monitored its progress and evaluated its operational course. This type of empowered youth working on developing a girl friendly, safe and secure village should be used as a model for child participation in child centred development planning at local levels.
In order to have a comprehensive planning process; one that covers all aspects of child rights; it is imperative to encourage participation from children. This type of participatory approach where the important actors and stakeholders get involved in the planning process is an essential part of democratic decentralization. Democratic decentralization is aimed at decentralizing power from the centre to the local governing bodies. This aids in representatives at the grass roots levels to get involved and participate in ensuring that human rights are being upheld at the local levels. There are barriers to decentralization, but there are strategies in place to overcome these. Some of these strategies are participatory planning, citizen awareness and education building, training and sensitizing local officials, building on advocacy, alliances and collaborations, participatory budgeting and promoting accountability of officials to the citizens.

Participatory approach covers social participation, political participation, citizen participation and various participatory methods. This approach involves important stakeholders at local governance levels, especially children who participate and express their opinions while the planning process is underway. It is critical to have children participate in the village development planning processes as they are the ones who can voice concerns and needs of the rest of the children of the village. A plan for a community or a village that actively encourages involvement from children in the planning process, is a child centred plan in the real sense. Children are supposed to be a part of this process from the very beginning, starting from the needs assessment stage, data collection phase and then the situation analysis stage. Children’s involvement in all of these stages would ensure that no stone has been left unturned in ensuring child rights at the local development level.

When a village draws a vision for its development path for a child friendly and child secure environment, it is important to follow a stepwise method to avoid missing out on critical aspects. The process involves listing out the needs of the children, the available resources, prioritizing needs, and linking resources to the identified needs. Although there are challenges to a child centred approach, but it is not difficult to overcome these. These challenges arise primarily from the fact that the age old belief systems are still prevalent in the Indian society. The elders of a village or community still feel that a child should remain like a child and not interfere in matters which are meant for the elders to sort. This belief system is so strongly ingrained in the culture that it would take a considerable amount of time to change.

The positive aspect is that the change is possible with simple ways like creating awareness about child rights, ensuring that children are given a decent platform to express their views and opinions, allowing the children’s views to be added to the planning process, and once the impacts of such an integrated planning process bears fruit, changing the opinions of the adults in the community. Thus it is critical that in order to ensure and protect child rights at local governance levels, children are allowed to participate in the planning, implementation and monitoring stage.

**Group Activity 3 (10 min)**

**Objective:** To discuss ways of ensuring children are heard and their views are accepted.

Form two large groups. One group would enact as village elders and Panchayat members and the second group would enact as teenaged children of the village. The children have to suggest their opinions in the planning of a new primary school and ensure that the adults hear them out and accept their views. The adults have to ensure that they are sensitive to the children’s opinions, while advising what is possible and what is not.
Test Your Self!

1. Democratic decentralization is understood as the transfer of ___________ and ___________ to lower level authorities.

2. Participatory approaches has four strands of work namely, social participation, ___________ participation, ___________ participation and participatory methods.

3. A child centred plan is focused on needs, ___________ and desires of children.

4. While analysing a situation list out the issues and challenges for the following statuses:
   a. Infrastructure / civic amenities: Issues __________________________________________________________________________ Challenges __________________________________________________________________________
   b. Social Development: Issues __________________________________________________________________________ Challenges __________________________________________________________________________
   c. Violent Issues: Issues __________________________________________________________________________ Challenges __________________________________________________________________________

5. Suggest one way of ensuring children’s participation by making it interesting for them ____________________________________________

6. What will you as a Panchayat member suggest if the children’s vision for the future of the village differs from the village elders on developing a children’s park ____________________________________________

7. Pen down the 8 steps in the building of a child centred plan:
   a. __________________________________________________________________________
   b. __________________________________________________________________________
   c. __________________________________________________________________________
   d. __________________________________________________________________________
   e. __________________________________________________________________________
   f. __________________________________________________________________________
   g. __________________________________________________________________________
   h. __________________________________________________________________________

8. Suggest one challenge you feel may arise when the children start participating in village planning whole heartedly ____________________________________________

9. Suggest one way to overcome the above discussed challenge ____________________________________________

10. As a Panchayat member who do you feel it is critical to include child participation in the development planning process ____________________________________________
Bibliography


Websites


In the previous module the concept of participatory planning in order to secure child rights within the local context has been clearly defined. It is evident that a plan to secure or promote child rights in local settings would not fructify unless there is a significant participation from the children of the village. It is the Panchayat members and village elder's prerogative to encourage the children to wholeheartedly express their needs and get involved in the planning process thus making it truly participative in nature. Once the plan is in place, the important step is implementation of the plan. Implementation or putting a well-drawn out plan into operational use is the most difficult part in participatory process. It is critical to involve children and various important stakeholders at this stage to make it successful. The extent of success of the implementation of the plan would be gauged by constant participatory monitoring and evaluation. Both these concepts would need to be worked upon simultaneously in order to revise or modify plans midway, in case of errors. This module will deal with the participatory implementation, monitoring and evaluation. By the end of the module the participant would be able to understand the break-up of the entire process and how in the end the results are achieved or objectives of the plan are met.

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Implementation of Participatory Plan

Once the plan has been drawn out with well documented issues, possible solutions, available resources, a working team in place, well defined objectives, a well thought of contingency plan and a well worked out budget for the plan, it is time for implementing it with thoroughness. This is the stage when the efforts put in by the Panchayat members, the village elders and especially the participating children would be put into operational use. Since children have been a vital part of the planning stage, they should be given the same importance and allowed to play similar roles in the implementation process as well. Following steps would help streamline the implementation process.

Step 1: Appointing a Plan Coordinator / Team Leader

Once a working team has been established with voluntary members and children, it is important to appoint a leader for this team; someone who can coordinate all the team's efforts along with a reporting structure for the Gram Panchayat.

Example: in the same scenario from section 4.8 (Module 4), the working team needs to have a coordinator or team leader. This person may be a qualified experienced Panchayat member, NGO member or a teacher who can handle the coordinating and reporting role.

Step 2: Setting up a Plan Implementation Committee

The role of this committee is to supervise day to day progress of the plan. The committee comprises of plan coordinator, Panchayat members, village elders and participating children.

Example: a plan implementation committee comprising of a plan coordinator just like the work team coordinator; senior Panchayat members; village elders and participating older school going children. The role of this committee is to monitor the progress of the road building in coordination with the working team.

Step 3: Training for the team members

Training in the stepwise process of implementation is required for the team members. This may be conducted by a Panchayat member or by a NGO worker.

Example: training is imperative for team members of the working team as well as the implementation committee. The training would ensure that a stepwise process of building the pukka or cobbled road is understood by all the members.

Step 4: Transparency

It is important for the committee to maintain transparency in budgeting process, use of resources etc. and continuously share the developments of the plan with the rest of the village and the children.

Example: the implementation committee must share their opinions, reports and any concerns regularly during Panchayat meetings in order to maintain a transparency as far as the budgeting is concerned.

Step 5: Anticipating Obstacles

It is the responsibility of the monitoring committee and the plan leader to anticipate challenges and obstacles in the implementation process and be prepared with a contingency or ways to handle the challenges.

Example: the monitoring / implementation committee will also simultaneously anticipate obstacles like running short of financial resources, rainfall season disrupting work, drainage water would need to be diverted, labourers going on unplanned leave etc. and work on a contingency plan to tackle these like building the road during dry season, during no-festival time, arranging for back up funds etc.

Step 6: Timely release of funds

Sometimes implementation process faces delays due to lack of funds or delay in their release. It is the coordinator's responsibility to ensure that the funds and resources are available during the implementation phase. It may be recalled here that beside Panchayats

Our Plan, Our Idea!

Group Activity 1 (10 min)

Objective: To understand the concept of implementing a plan.

Form groups of 3-6 and sit together with a pen / pencil and paper. Chalk out a participatory plan for ensuring that five children belonging to poor families in your area attend school regularly and not drop out because of lack of fees money. Discuss the plan amongst your groups and see how well you have understood the participatory approach. Raise questions in case of doubts.
own resources and grants, there are other schemes and actors who can provide appropriate resources for planning and implementation in the village (table 4.11). Example: the working team coordinator is responsible to ensure that the funds are released sufficiently before the road building begins.

Monitoring of Participatory Plan

Participatory monitoring is the systematic recording and periodic analysis of information by the participating parties of the project. The main aim of participatory monitoring is to study information during the life of the project and make adjustments or modifications if necessary. Participatory monitoring can be used for providing information for decisions makers; periodically analyzing information; agreeing on the objectives by all stakeholders; insiders choosing the terms of measurement and; broadly examining progress of the project. Advantages of participatory monitoring are:

- Provides an ongoing picture
- Problems are identified and solutions are sought early
- Good standards are maintained
- Resources are used effectively
- Complete picture of the project is produced
- Information base offered for future evaluations

A devolution-friendly monitoring system at the village-level must (a) permit very simple and easy updating of all planning and implementing levels (b) must provide access to all stakeholders, not only to know what they are doing, but what other stakeholders are doing as well. In addition, the thrust of monitoring must cover two aspects, (a) the rigour with which the participatory processes are undertaken and (b) the wide range of quantitative and qualitative outcomes that emerge. It is necessary to ensure that citizens; forums such as the gram, ward and area sabhas meet and regularly review plan implementation. Some measures that facilitate this are in the box below.

<table>
<thead>
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<td><strong>Example:</strong> the working team coordinator is responsible to ensure that the funds are released sufficiently before the road building begins.</td>
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<table>
<thead>
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<th>Step 1: Discuss reasons for monitoring</th>
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<td>In a meeting with all stakeholders, discuss the objectives of conducting monitoring from the very beginning of the implementation process. For instance in a plan to build a park for the small children in the village, monitoring would be required to see that the material being used is not inferior, the swings being installed don’t have sharp edges or loose ends, the ground has either sand, mud or grass and so on.</td>
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</tr>
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</table>

Step 2: Review objectives and activities
Objectives and activities will need constant review to ensure that plan is going on the right path.

Step 3: Develop monitoring questions
It is important to constantly monitor the progress of the project and for that it would be easier if a set of questions are framed and are posed regularly at every stage of implementation.

Step 4: Establish direct and indirect indicators
Direct or indirect indicators would help in answering the monitoring questions accurately. For instance a in the park being built for children, if the swing has been installed too high for the small children to reach, then that would be the indicator to immediately remove the swing and adjust its height as per small children.

Step 5: Information Gathering Tools
Information gathering tools may be needed to gather information while monitoring. For instance constant interaction and feedback from villagers and children and questionnaires may be used to see if there are any aspects being missed out while implementing the plan.

Step 6: Decide who will do the monitoring
Monitoring may require people with specific skills such as book keeping or mathematics and would require a considerable amount of time. Thus a person who is willing to help in the monitoring process may be identified and delegated with the responsibility.
**Possible Indicators for Monitoring and Evaluating the Panchayat Plan:**

1. Annual enumeration of children (0-18 years) population in Panchayat
2. Pregnancies are registered appropriately for follow-up for Anti Natal Care
3. 100% institutional Births and registration of Births
4. 100% immunization ensured and Extended immunization programs have been initiated
5. All pre-school children are covered by programs including ICDS
6. Schools are provided with drinking water and sanitation facilities
7. 100% school enrolment is achieved
8. The school dropouts, if any, are discussed with parents and school to solve the problems and also to ensure the return of children to the school
9. Special provision for girl children (in terms of sanitation facilities in schools and iron supplementation etc.)
10. Annual health check-ups are conducted under the supervision of Panchayat
11. Village level Vulnerability mapping is done to identify the children at risk. No child labour in the Panchayat
12. Recreational space and infra-structure is created for the children
13. Children Sabhas/panchayats are organized under the leadership of youth and children
14. Awareness programs on environmental friendly practices & adoption to be reached through schools
15. At the Panchayat level, annual policies for children to be articulated and separate budget heads are created for children as part of the annual plan budget of Panchayat

**Step 7: Analyse and present results**

The information gathered during monitoring needs to be analysed and then presented during community meetings. The monitoring committee, villagers, children and Panchayat members need to review the assessment and suggest if any changes are required.

**Evaluation of a Participatory Plan**

Participatory evaluation is an opportunity for participatory planning stakeholders to stop and reflect on the past plans in order to make decisions about the future plans. It is an important step to be undertaken by the monitoring committee to plan what needs to be evaluated, how the evaluation will be done, carrying out the evaluation and analysing information and presenting evaluation results. With the results of evaluation, the various stakeholders may choose to continue activities, modify all or some, change the strategy, change the objectives, or discontinue activities. A Participatory Evaluation should not be thought of as a final judgement on whether activities are successful or unsuccessful. The information should encourage changes and adjustments either during the life span of the activities, for future phases of the activities, or for future new activities. In a Participatory Evaluation, people learn more about the plans that have worked well, and why they worked. They also learn more about the things that haven't worked well, and why they didn't. When the people involved go through the process of examining, it is more likely that corrective measures will be implemented in the future because they are discovered and understood by the community. The advantages of participatory evaluation are better decision making by stakeholders for present and future plans, local officials develop evaluating skills and all the stakeholders develop a better understanding of the process of participatory planning.
**Case Study: Children’s participation in development planning**

The Belargaon gram Panchayat of Dhamtari District (Chhattisgarh) looks after two villages Banaura and Dompadar. The main occupation of the villagers is dairy, agriculture and gathering and selling of forest produce. The village is surrounded by hills and has a child friendly infrastructure. There are spacious schools and playgrounds with separate clean toilets for girls and boys. Earlier there was a high school drop-out rate among the disabled children of the villages, due to the lack of transportation facilities and access to quick health care. Panchayat members identified this as a serious concern and decided to act upon it.

Gram Panchayat Belargaon is famous for maximum tax collection. Most of the funds they collect is used in the development work in the villages. To tackle the issue of education for the disabled children, the Panchayat used its own funds to buy an ambulance for the villagers especially the pregnant women, supported the disabled children with new uniforms, stationary and scholarships. Panchayat appointed special teachers for the disabled students. Apart from this the gram Panchayat ensures there are no more drop outs from schools. If there are parents or guardians who don’t send their children to school; they are called in the next gram sabha and asked to explain the reason for making their children drop-out. They are helped by the Panchayat to continue their children in school and convinced to not allow the children to leave school.

There is a monitoring mechanism in place in the villages which ensures that no child is denied basic education. Panchayat members and parents are part of this mechanism and they actively play their role. The special feature of this gram sabha is that during the meetings, children of the village are invited and encouraged to participate and give their views. There has been a positive impact of the work this gram Panchayat has done in the past few years. There has been no death of infants or pregnant mother, there are no drop-outs from schools now including the disabled children, and the Panchayat has closely been monitoring the education system in the village and continues to work on various developments. This Panchayat has been awarded the best Panchayat of the country.

**Case Study Analysis**

The above case is a good example of how a Panchayat can pro-actively address issues of child rights in their domain. It is evident that not only the parents participation in gram sabhas is an important ingredient, the children’s participation is important too. It is the Panchayats prerogative to invite and encourage children to get involved in various development plans in the village.

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**Techniques & Tools of Participatory Monitoring & Evaluation**

A participatory approach to monitoring and evaluation will usually make use of a number of techniques and tools, selected and combined to suit the objectives of the M&E work and the resources available. Many of the techniques associated with Participatory Rural Appraisal (PRA), Beneficiary Assessment (BA), and SARAR (Self-esteem Associative Strengthen Resourcefulness Action Planning Responsibilities) have been used in the context of monitoring or evaluation. Some examples of these methodologies’ trademark techniques and applications to M&E are highlighted below:

- **Participatory Rural Appraisal:** visual methods, often to analyse “before and after” situations, through the use of community mapping, problem ranking, wealth ranking, seasonal and daily time charts, and other tools.

- **SARAR:** interactive and visual-based methods to facilitate community discussion with such methods as pocket charts, three pile sorting, and “story with a gap.”

- **Beneficiary Assessment:** conversational interviewing and focus group discussions on changes and impacts.

In addition to using PRA, SARAR, and BA techniques, participatory monitoring and evaluation often entails development of other simpler techniques that are designed to be used by community members and other local-level stakeholders as part of an M&E activity, namely Visual self-evaluation tools, Testimonials, Photographing the evidence and Community records and indicators. Following are the important monitoring & evaluation tools & techniques:
• **Tour Reports by field staff:** Often the most useful information about qualitative aspects of a programme is obtained from the tour reports submitted by field staff; this is especially true in the case when the participants may possess low levels of education and literacy.

• **Participant Observation:** The field staff may stay in the villages and observe the groups closely so as to obtain sensitive, first-hand insights.

• **Reports from visitors:** The field staff record opinions and feedback from all visitors to the village. This will help in further developing the programme.

• **Interviews:** Group members and community leaders should be interviewed on their attitude towards the project and resultant behavioural changes.

• **Participatory Monitoring & Evaluation:** In this latest technique the beneficiaries themselves are made partners in monitoring and evaluation. Programme staff and beneficiaries or in this context the children, discuss and assess the performance together. The field staff mainly play a guiding role to formulate appropriate questions and eliciting answers.

• **PRA Tools/Techniques:** Many participatory tools fall within the participatory rural appraisal (PRA) family of approaches and methods, which enable local people to present, share and analyse their knowledge of life and conditions, to plan, act, and monitor and evaluate.

• **Diagramming, Mapping and Modelling:**
  - Transect Walk: is a tool that captures the overall picture of the community and its resources through a walk around the selected area. In this tool, local individuals who are thoroughly aware of the locality take a lead in going around the area.
  - Maps (Resource, Social, and Census): Social Mapping is a visual tool that maps the social information of the locality using the help of the community members. Census Mapping captures individual household information like number of adults (men and women), number of children (boys and girls), education, literacy, employment, resource ownership health problems etc. Resource Mapping is also a visual technique that pictorially represents the availability of various resources, community’s access to the resources.
  - Venn diagram is a method to find out what or which organizations are important in and for a community.

• **Ranking and scoring**
  - Preference Ranking is a tool that gives a quick idea of the priorities and problems of the community members.
  - Pair wise ranking can be used in analysing different options and choices available less than one topic by evaluating two at a time, i.e. in pairs.
  - Matrix ranking and Matrix scoring will help you identify the preferences of the community by simply allotting ranks or score to various options available.
  - Well-being Analysis and Wealth Ranking help identify the relative socio-economic patterns in a community.

#### Uses of Participatory Tools and Methods

- Participatory tools and Methods provide basic information of the area that one aims to work in.
- They are helpful in identifying and assessing the problems effectively as the information is obtained from the community members themselves.
- They are useful in planning more relevant activities which have a greater acceptance by the communities.
- They make the facilitators as well as the community more aware of the situations around them.

- Different views and opinions which are often not talked about, for the fear of being judged come out, thus bringing out varied perspectives.
- Equal representation from all segments of the society can be ensured through these techniques.
- They help keep up the spirit of the programme throughout planning, implementing, maintaining, monitoring and evaluation process.
Advantages of Participatory Monitoring & Evaluation

- Involving beneficiaries or children in evaluation increases its reliability and provides the opportunity to receive useful feedback and ideas for corrective actions.
- PM&E allows for flexibility - Activities should be stopped or adapted when evaluation makes it clear that they are not contributing to the intended improvements.
- Strengthens ownership regarding successful outcomes of planned initiatives.
- Widens the knowledge base necessary for assessing and - if required - correcting the course of action.
- Increases the motivation of stakeholders to contribute ideas to corrective actions.
- Creates trust in Local Government policy and action (provided that the stakeholders' input is genuinely taken into account).
- Contributes to the learning of all involved.

Challenges of Participatory Monitoring & Evaluation

- Needs skilled facilitator to ensure everyone understands the process and is equally involved.
- Can be dominated by strong voices in the community (for example, men dominating women in discussions, political, cultural or religious leaders dominating discussions and decision making).
- Can be time consuming - needs genuine commitment.
- Needs the support of donors as it does not always use traditional indicators.
- Those responsible for implementation of certain projects may not want the administration or public to learn about failures or mistakes due to a fear of disciplinary action. Evaluation should be conducted in a fair and constructive way.

Monitor & Evaluate!

Group Activity 2 (20 min)

Objective: To understand the concept of monitoring & evaluation in a participatory plan.

Scenario: a reporting cell is being established for children to report any type of issue regarding the school and school fraternity. Numerous challenges involve people trying to deter the cell from functioning. Your Task: suggest one way of monitoring and evaluating the implementation of the reporting cell plan in spite of the deterrents and how will you ensure that you report these deterrents to the Gram Sabha.

Participatory Monitoring & Evaluation to Secure Child Rights: Advantages

The participatory monitoring and evaluation entails involvement of stakeholders in all the processes of development. This has many concomitant advantages apart from the additional learning it offers to the stakeholders. During monitoring of a child centred plan both children and adults will have the opportunity to enhance the knowledge about child rights due to involvement in the planning and implementation. The participative interactions with children while addressing an issue enable the village elders and the Panchayat members gain an insight into their needs. For example, while addressing the issue of school dropout in the village they may be having a little awareness about it in the beginning. When they start addressing the issue, they are exposed to more details on the issue. Having understood the reasons for high dropout rate in the village, they would find suitable solutions through detailed analysis of the issue and interactions with the children and the teachers. The key advantage of participatory monitoring and evaluation is receiving of useful and authentic feedback on plan implementation. If it goes well there will be no need for changes. If it does not go as planned, corrective actions are required to be taken. Therefore, knowing reality through participatory monitoring and evaluation would make a child centred plan more reliable. For example, malnutrition is a problem in a village. Children especially the girls are extensively affected by it. Lack
of awareness of diet for the lactating mother and children create a situation, where children grow up with severe nutritional and health deficits. This slows and hampers healthy growth of the body and brain. Nutrition information is also crucial to understand the extent of hunger and starvation if it exists in the village across the life cycle. Most of these factors can be captured from the PRA data. Suppose it has already come in the plan and implementation; prevalence of malnutrition and its causes have been analysed; adequacy of take home food for children in the age group 0-3 years, adolescent nutrition programme and feeding in Anganwadis and mid-day meal of schools have also been assessed including quantity, nutritional quality, acceptance in relation to taste etc.; the need has been prioritized and made part of the plan by linking it to state specific nutrition schemes; now, through participatory methods (PRA) the progress against set targets and indicators can be assessed and monitored.

Another advantage of PM&E of village plan is ownership of the plan by the Gram Panchayat as well as by the community. Since they are involved in the implementation and monitoring processes they develop a responsibility that the planned activities should be delivered. In case of child rights all the activities planned in pursuit of ensuring them would be given high importance in implementation. Progress is assessed and changes are made based on necessity. Budgetary deficits are also addressed by raising funds from new sources. With effective and participatory monitoring and evaluation the implementation process is further strengthened with updated data/information. Ultimately it would contribute to securing of all rights to children. All the participatory processes would generate lot of awareness among different sections of the village. Thus it creates an environment in which any kind of violation of child rights are prevented and attended to. Activities and processes for promotion of child rights are initiated and enabled and strengthened.

Case Study: Monitoring & Evaluation of a Participatory Plan

In Baran District of Rajasthan, there is a small village called Dhoti where there was a serious problem of dropping out of school before 8th Std. Gram Panchayat gave serious consideration to this issue and on investigation realized that girls were leaving education because they would have to go out of the village for senior classes. GP proposed and worked out a plan to construct 5 additional classrooms within the village school itself to facilitate the girls’ education. Presently there are 184 enrolments, of which 101 are girls, and the rest are boys even up to class 11th Std. Gram Panchayat and the School authorities have ensured that all the approved posts have appointments. There is a computer literacy programme for the girls, and the Gram Panchayat has also arranged for internet service provision so as to enable the students to keep abreast with the latest. Sports grounds were acquired along with sports equipment for young people. Under the guidance of the ‘Shala Prabandhan Samiti’, there are regular monthly meetings to identify issues and find solutions that the children may be facing.

Similarly, Anganwadi centres in the area had been suffering from a chronic space problem, which was addressed by the current Gram Panchayat. The spaces have been adequately supplied and refurbished for the centres to function, in addition to two operational Anganwadi centres that are run out of the Panchayat Mukhyalaya. There are 118 children registered here. Regular immunization is conducted out of this space. Indeed in this village, due to regular immunization, there are no threatening ailments. The incidence of Maternal and Child mortality is very low as most expectant mothers are able to access the nearest hospitals services, thanks to the strict vigilance and awareness of the Gram Panchayat and local area authorities.

The above two examples describe monitoring and evaluation perfectly. The gram Panchayats after taking action on the issues raised, ensured that they constantly monitored and evaluated the implemented program later too. They monitored and evaluated the functioning programs by conducting regular meetings, reviewing the plans and immediately addressing any fresh concerns. This is how monitoring and evaluation of a participatory plan should be carried out so that in case of any deterrents, they can be addressed immediately without disturbing the regular functioning of the plan.

Case Study Analysis

This case study portrays how effective monitoring and evaluation can help in achieving the desired results from development planning. Also it confirms that monitoring and evaluation if carried post the implementation phase, is an effective tool to follow up the impact.
Once a participatory plan has been chalked out by covering all the aspects of the planning stage, it is critical to implement it effectively. This is the most difficult stage. The implementation not only requires putting the plan to operational use, it also requires that at each and every step, the focus does not shift from child centred approach. The various steps in the implementation of the plan involve appointment of a team leader or coordinator, setting up of a plan implementation committee, training the team members, maintaining transparency, anticipating possible obstacles and aiding in timely release of funds. The exhaustive implementation process is followed by a rigorous monitoring process. Participatory monitoring is the systematic recording and periodic analysis of information by the participating parties of the project. It is critical to constantly monitor the implementation of the participatory plan since, when corrective measures are taken in a timely manner, the possibility of plan failure drops. The functions of participatory monitoring is to provide an ongoing picture, problems are identified and solutions are sought early, good standards are maintained, resources are used effectively, complete picture of the project is produced and information base is offered for future evaluations. Participatory monitoring is a process that must be conducted in a step wise manner in order to achieve the desired results. The steps of participatory monitoring are discuss reasons for monitoring, review objectives and activities, develop monitoring questions, establish direct or indirect indicators, information gathering tools, decide who should be in the monitoring committee, and lastly analyse and present results.

Along with constant monitoring comes an important process of participatory evaluation which aims at evaluating the monitored and collated data. Evaluation is critical for the success of a child centred plan since continuous revisions and modifications would enable the implementing committee to ensure that the plan works without any hindrances. The various tools and techniques of participatory monitoring and evaluation include tour reports by field staff, participant observation, reports from visitors, interviews, participatory monitoring and evaluation, PRA tools / techniques, diagramming, mapping and modelling, and ranking and scoring. There are various advantages of participatory monitoring and evaluation especially involving children as beneficiaries, is that it has the flexibility to stop, adapt or modify the plans mid-way in order to achieve the desired outcomes; it strengthens ownership of successful outcomes of planned initiatives; widens the knowledge base needed for correcting the course of action; creates trust in the local governing body; and increases the motivation of all stakeholders to contribute more ideas. There are various challenges to the participatory monitoring and evaluation process as well like there is critical need for skilled facilitator who would involve everybody; can be dominated by strong voices like those of the men over women; can be time consuming; may need the support of donors; and those in the implementation committee may not take criticism or feedback so well.

Overall participatory approach in monitoring and evaluation is advantageous when securing child rights and working on child centred plans in local settings. Such monitoring and evaluation would ensure that the plan is being implemented with the original objectives in mind and they are not being neglected during the process. It is important to keep the child centred plan on the decided path without allowing it to digress from the main focus of child centricity. Thus this type of monitoring and evaluation would be especially helpful when it comes to working on child centred plans as these take priority in the village plans. When carried out in a stepwise manner without missing out the details, participatory monitoring and evaluation can be the perfect approach in order to achieve the set objectives in child centred planning.
Test Your Self!

1. Pen down the step wise process of a participatory approach starting with:
   a. Participatory Planning
   b. ______________________________________________________________________________________________
   c. ______________________________________________________________________________________________
   d. ______________________________________________________________________________________________

2. Pen down the steps of participatory implementation:
   a. Step 1 ____________________________________________________________________________________________
   b. Step 2 ____________________________________________________________________________________________
   c. Step 3 ____________________________________________________________________________________________
   d. Step 4 ____________________________________________________________________________________________
   e. Step 5 ____________________________________________________________________________________________
   f. Step 6 ____________________________________________________________________________________________

3. Write four advantages of participatory monitoring:
   a. ______________________________________________________________________________________________
   b. ______________________________________________________________________________________________
   c. ______________________________________________________________________________________________
   d. ______________________________________________________________________________________________

4. Pen down the steps of participatory monitoring:
   a. ______________________________________________________________________________________________
   b. ______________________________________________________________________________________________
   c. ______________________________________________________________________________________________
   d. ______________________________________________________________________________________________
   e. ______________________________________________________________________________________________
   f. ______________________________________________________________________________________________
   g. ______________________________________________________________________________________________

5. Explain briefly what you understand by participatory evaluation: ________________________________________

6. Mention four tools or techniques for participatory monitoring and evaluation:
   a. ______________________________________________________________________________________________
   b. ______________________________________________________________________________________________
   c. ______________________________________________________________________________________________
   d. ______________________________________________________________________________________________

7. Pen down two advantages of participatory monitoring and evaluation:
   a. ______________________________________________________________________________________________
   b. ______________________________________________________________________________________________

8. Pen down two challenges of participatory monitoring and evaluation:
   a. ______________________________________________________________________________________________
   b. ______________________________________________________________________________________________

9. Scenario: due to lack of sufficient street lights, numerous complaints of eve teasing were being reported especially from young girls, in a small village. You are the Panchayat members and have decided to tackle this issue before it becomes a serious concern.
   a. How will you gather data to support this issue? ____________________________________________________
   b. How will you use the data and analysis of the situation in drawing a participatory plan? __________________
   c. What will your participatory implementation planning look like?______________________________________
   d. What steps will you take for participatory monitoring of the implementation process?____________________
   e. Once you have evaluated the plan, what points will you cover in your agenda for the Gram Sabha?________

10. As a Panchayat member what is the most critical aspect of child centred planning? ______________________

Bibliography


ADDITIONAL CASE STUDIES

Case Study 1: Promoting Educational Inclusion of Mushar Children in Jehanabad District of Bihar

Golakpur is the smallest of the eight villages under the Saidabad panchayat and is about 17 km from Kako block in Jehanabad district of Bihar. It has basic infrastructure, middle school, electricity, anganwadi centre, and roads. Of the 138 families the village houses, 70.3% belong to the backward castes and 29.7% belong to the scheduled caste (Mushar & Dusadh). The main occupation of the village is agriculture and daily labour. The Mushar and Dusadh communities barely own any land and work as daily wagers. In spite of the school’s existence in the village for over two decades, there were no Mushar children enrolled in it. The village school authorities and teachers had made numerous efforts like enrolment drives, meetings with community elders, incentives etc to encourage the Mushar community to send their children to school regularly. In 2011, Mrs Rekha Devi was elected as the new Mukhiya. This issue was highlighted and Mrs Devi along with other panchayat members visited the community to understand the factors. Following points came out of the discussion:

- Due to lack of any past tradition in the community for seeking education, parents were neutral and weren’t sure of the benefits of education.
- Few Mushar children enrolled in the school could not keep up with the pace of education, language barrier and comprehension level etc. thus leading to them dropping out.
- The community didn’t understand the concept of time and punctuality.

Implementation

The village Panchayat found a remedy to the issue and decided to intervene with the help of Abhiyan, local CSO working in the area who had been working in the field for for several years. Abhiyan devised a solution and decided to promote amongst the children the habit of going to school, along with educational inputs and support to build awareness around education in the community. Abhiyan team and an appointed facilitator helped the Mushar children with tuitions and with attending school every day for six months. The pilot program was a success and panchayat allotted a separate class room for Abhiyan to run their educational support centre for Mushar children and work especially on reducing their fear of formal education.

Impact

- It was a successful program and the strength of the Mushar children attending increased to 40. The retention of these children went up too with no drop outs.
- Improvement in their results helped them overcome the fear of performance.
- Increase in knowledge helped them gain confidence amongst peers.
- The community has finally realised the value of education.
Case Study 2: Karhara panchayat in Jamui district in Bihar:
Pro-active intervention of panchayat for establishment
of educational rights of ST children

The village of Kothitiya under Karhara panchayat is located 15 km from Jhajha block in Jamui district of Bihar. In spite of development around the country, this panchayat has not even been able to provide the basic infrastructure to its communities. Some of these issues can be attributed to strong Naxalite influence for about three decades resulting in high level of conflict and stalling any development process. The village houses 136 families with agriculture as the major source of livelihood.

There was no school in the area. A local resident Mr Nuneshwar used his house to start a school for the village children. Soon the enrolment increased so much that it was difficult to accommodate children inside with shortage of water and proper toilets. The village panchayat identified this as a concern and raised this issue with Mrs Subhadra Devi, the newly elected Mukhiya. The panchayat called for a meeting with the village elders and the following points were highlighted: (a) regular attendance of the teacher (b) implementation of mid-day meal (c) status of the school building and infrastructure required (d) formation of a school management committee with focus on RTE norms, access to quality education by all children. The details of this meeting along with an invitation were extended to Block Development Officer, Block Education Officer, Samagra Sewa.

Implementation
- Mid-day meal supplies were obtained and nutrition program was started.
- School management committee was put in place which ensured regular attendance from teachers.
- The local CSO promised help with development camps on leadership development, promotion of cultural activities and implementation of a Baal Club with the aim of involving children in the development process.
- Panchayat members took the responsibility of monitoring and co-ordination of all activities related to the proper functioning of the school.

Impact
- Panchayat’s pro-activeness, involvement of Samagra Sewa and villagers led to the sanctioning of funds for the construction of an Upgraded Middle School in the village.
- The awareness raising helped get more children enrolled in the school.
- The school started functioning regularly with teachers, distribution of provisions for children along with stationary and mid-day meals.

Case Study 3: Jorandajhariya of Jashpur district

The gram Panchayat Jorandajhariya is located in Jashpur district; about 120 km from district headquarter on the way to Raigarh. The number of household is 262 with the major occupation of the people being agriculture and agriculture labour. The people of the village mostly speak lariya with a very few population speaking Chhattisgarhi. There is a school up to middle standard and for higher education the children go to nearby panchayats. Earlier the drop-out rate was high, disabled children were not admitted in schools and there was widespread malnutrition in children below 3 years. Mrs Kaushalya Yadav was elected as the block member and she identified the key concerns in the village. Her solutions included improvement in quality of education and environment for the children of the village.

Implementation
Under her guidance panchayat members have taken the responsibility of bringing the children of their ward to the school and identifying the children with disability. The panchayat has identified three deaf and dumb girl children whose parents were not willing to send them to school or to educate them. Special counselling to the
parents as well as the children were given along with an appointed assistant exclusively to help the girls to join the school. Another remarkable contribution of panchayat was in the field of health care. Prior to 2010 the health services in the panchayat was very poor with malnutrition and disinterested parents in the child care problems like vaccination etc. After the intervention of gram panchayat, the people of the village were made aware of the health issues. The gram panchayat took keen interest in providing the children nutritious food and regular monitoring of the health of the children through primary health centre of the village. Another important and serious concern the village was facing was human trafficking particularly girls who were school drop outs. The gram panchayat has taken effective steps towards curbing this practice. Gram panchayat found great potential in employment for such girls, in the sericulture which is suited to the climatic conditions of Jashpur. Many of the girls and women were rehabilitated and employed by the Department of sericulture with the help of the panchayat.

**Impact**

- The number of school drop outs has decreased drastically.
- Disabled children are attending regular school.
- The issue of human trafficking has been curbed and girls have been rehabilitated with suitable employment.
- The primary health centre of the village ensures that there is awareness among the parents of small children regarding malnutrition.
- The number of malnourished has dropped down to 11 and the panchayat is working hard to bring the number down to zero.

**Case Study 4: Jurda Panchayat of Raigarh District**

The gram panchayat Jurda is located in Raigarh block of Raigarh district of Chhattisgarh. It has 407 households with agriculture, dairy and pottery making as the major occupation. The people of the village mostly speak Oriya with a very few population speaking Chhattisgarhi. The village panchayat has government buildings including housing, schools, drinking water facilities, Anganwadi and panchayat building. There is a school up to middle standard and for higher education the children go to nearby panchayats. Before all the development there were no schools, no toilets, lack of proper drinking facilities, no proper arrangement for mid-day meal, and no monitoring of teachers and teaching.

In 2010 the people of village Jurda elected a very active and dynamic sarpanch Shri Jayant Pradhan. He identified the concern around education and along with the village panchayat established a “Day care centre” for children of the village. He identified existing schemes and programs that offered funding for education related activities.

**Implementation**

Under Serve Shiksha Abhiyaan, a school building was constructed. From Backward Region Grant Fund water tanks were installed and from state funds, toilets, playgrounds and library were constructed. A learning centre was developed where multiple activities like creative interaction games, view sharing etc. could be conducted to attract the children of the village, both school going as well as drop outs. When the normal children including the drop outs started going to school following the effort of the gram panchayat, the focus was shifted to the children with disability. The guardians of such children were counselled and advised to send their children to school. The children were also provided with aids according to their disability. Ramps were constructed for easy movement. Tournaments were organized in the schools and children were motivated to participate in as many activities as possible. Special effort was made by the panchayat for the girls of the village to be accompanied by a group of trained boy students who were given the responsibility of taking care of the girl students. This resulted in a very good response from parents of girl child. The panchayat shifted its focus towards the quality of education in the school of the village. There were frequent meetings of the parents, panchayat members and the teachers for improving the attendance of the students and pedagogical improvements. The panchayat also addressed issues related to children apart from education like ensuring of mid-day meals, health care, vaccination etc.
Impact

- Currently there are 97 students enrolled in primary school and 65 in middle school with 12 teachers in both schools.
- Enrollment of disabled children has risen.
- Attendance of girl students has become regular.
- There are regular mid-day meals, vaccination and health care check-ups.
- An effective parents/guardians committee was formed which visits the schools often to give feedback and monitor its functioning.

Case Study 5: Convergence meetings with the field level functionaries to secure child rights

Gram Panchayat: Gottimukula; Mandal: Vikarabad; District: Ranga Reddy; State: Telangana

In Ranga Reddy district of Telangana, there is a gram panchayat Gottimukula in Vikarabad Mandal. The Sarpanch of the village believes that education for all children, especially girl children should be a top priority. The Gram Panchayat conducted regular convergence meetings to ensure that the village level functionaries were regularly attending to their duties. Also, these convergence meetings served as the platform for solving any issues at the GP level.

Issues

- Few issues faced in the village include
- Lack of high school in the village
- Late and non-punctual functioning of the Anganwadi centre
- Late coming of teachers to the schools
- Lack of interest and motivation amongst the teachers and Anganwadi workers.

Process

The first step taken by the Sarpanch was to ensure that the school opened on time. She convinced the Anganwadi workers to reach on time. She also continuously persuaded and visited the school and Anganwadi centre regularly for some time to ensure that they fall into a discipline of starting it at 9:30 AM every day. In the process to achieve the same, she also coordinated with the CDPO of the district to ensure that there is a mandate for the Anganwadi worker to maintain the timings.

The Sarpanch started the process of convergence by convening a meeting for all the Panchayat members, school teachers, parents, field level functionaries like the ANM, Anganwadi workers etc. to discuss and pin point the specific issues regarding the children in the village.

The Sarpanch and the members from the Panchayat visited every house in the village where any child in the age group of 0-14 was working to convince the parents and ensure that the child is enrolled in school. The Sarpanch also visits the Anganwadi centres every 3 months to ensure that nutritional food is supplied and hygiene is maintained. Pregnant women, lactating mothers and the children are regularly undergoing check-ups to ensure that there is no nutritional deficiency. The health status has been steady and well maintained in the village after these meetings and regular check-ups.

The Sarpanch also visits the school and meets the school management committees every 2 months to discuss on the issue of absenteeism. In any specific case where the headmaster is not taking an issue forward or dealing with it, the Sarpanch personally pursues it and ensures a solution to the same. The Sarpanch encourages the parents to enrol their children in the government schools. The village is trying to fight against the privatization of education.
In a small way by ensuring that the quality of education in the government schools is on par with that of private schools in the nearby towns/cities. The panchayat members played a key role in motivating the parents to send their children to the village school.

In 2 specific cases, the Sarpanch personally stopped child marriages and sponsored the education of the 2 girls by convincing the parents against the marriage and encouraging the girls to get proper education.

The Sarpanch believes that motivation and attitude change is important for any progressive change to take place. It is important for the parents to have awareness on all the issues pertaining to the children. She also focuses on the importance of literacy for everyone, including the adults.

In the words of Ms Aruna, Sarpanch, “We will be happy to implement more things for the betterment of children. We just need a mandate. We will be more than happy in doing what will ensure a better future for the kids to be safe and happy”

Case Study 6: Periodic peer reviews and meetings to meet the needs of the children in the village

Gram Panchayat: Mokila; Mandal: Shankarpalli; District: Ranga Reddy; State: Telangana

In Ranga Reddy district of Telangana, there is a gram panchayat Mokila in Shankarpalli Mandal. The Sarpanch of the village believes that children are the most important aspect of development in any village and focus on children will ensure a brighter future for the village. The Gram Panchayat was proactive in maintaining enrolments; student attendance etc. as they were already involved in securing chid rights with the help of an NGO called MV foundation.

Process

The Gram Panchayat initiates a review meeting with all the village level functionaries, like the ICDS, school teachers and head master, Auxiliary Nurse and Midwife (ANM), Village Secretary every 3 months. The main aim of these meetings is to ensure that the problems at the grassroots level are brought to the notice of Gram Panchayat and there is maximum effort to ensure that the issues are resolved at this stage on a priority basis. A few issues mention below were identified during such review meetings and brought to the notice of the Sarpanch Mr. Anand.

- Lack of availability of tables in ICDS centres to examine pregnant woman when they come for health check-ups.
- Lack of toilets (which were either not existing or not in working condition) in the ICDS centres
- Lack of availability of a hygienic space in the school premises where children can sit and have the lunch provided under the mid-day meal scheme.

How was it solved?

- The Sarpanch with the help of some donors from the village ensured that the furniture at the ICDS centre was arranged at the earliest. Some of the furniture was provided from the GP funds itself.
- The existing toilets were repaired and renovated and a new one was constructed in one of the centres. Utensils were also provided from the GP funds.
- A dining hall was constructed in the school premises by the Panchayat members with funds from the village. They also got fans fixed for the dining hall with the help of a donor.

In the words of Mr Anand, Sarpanch, “All the children are same. We have to understand and ensure equality among them. This dining hall is a step towards achieving equality, all kids are one, and they all sit at same place and eat.”
This village is an example of a GP which is proactive towards the rights of the children. When asked on if there is a reason for it, the Sarpanch stated that the development of the children is the most essential stepping stone for the development of the village.

The Sarpanch believes that it is important for all the field level functionaries to do their duties with responsibility. The rest will follow. The periodic reviews helped only because there was a certain sense of responsibility and collective ownership towards the issues in the village.

The periodic reviews, not only highlighted the problems, the various suggestions and opinions of the field level functionaries could be voiced and a solution could be arrived at.