

CHILD RIGHTS AND PROTECTION: ROLE OF GRAM PANCHAYATS

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Abstract

Children are the most valuable members of the society as its future is dependent on the future of children. Despite being valuable, children in India face vulnerabilities such as survival threat, abuse and exploitation, early marriage, social and armed conflicts, trafficking, social discrimination, poverty etc. Various international treaties, declarations and documents have listed many rights for children. Constitution of India and the legislatures have formulated various laws and rules, which give certain rights to children. Pre-Natal Diagnostic Techniques (PNDT) Act, 1994, Right of Children to Free and Compulsory Education (RTE) Act, 2009, Child Labour (Prohibition and Regulation) Act, 1989, Prohibition of Child Marriage Act, 2006, Juvenile Justice (Care and Protection of Children) Act, 2000, Protection of Children from Sexual Offences (POCSO) Act, 2012 are important among them. National Policy for Children, 2013 while reaffirming earlier policies, recognises that survival, health, nutrition, development, education and participation are inalienable rights of every child. Among other things this policy recognizes that every child has right to family or family environment is most conducive for all round development of children and that every child has right to a dignified life, free from exploitation. Integrated Child Development Scheme (ICDS), Sarva Shiksha Abhiyan (SSA), Integrated Child Protection Scheme (ICPS), Mission Indradhanus, Mid-day Meal Scheme (MDM), POSHAN Abhiyan are important central scheme for the protection and development of children. There are various committees in Gram Panchayats for protection and development of children. In majority of these Committees elected representative of Gram Panchayat in the Chairperson. By ensuring orientation of members, regular meeting, effective functioning of these committees, Gram Panchayats can ensure protection of child rights and development of children in their areas. The

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paper through analysis of various provisions of different legislations, policies, rules and orders of central government discusses in detail role of Gram Panchayats in addressing vulnerabilities of children and how elected representatives and officials of Gram Panchayats can be enabled to effectively perform their role.

1. Introduction

A person below the age of 18 is considered a child in India. United Nations Convention on Rights of Child (UNCRC) has also adopted the same definition. Children are the most valuable members of the society as its future is dependent on the future of children. They are adults of tomorrow but citizens of today. They need to be cared and treated well for ensuring a healthy and happy society. In India around 40% of the population is of children and those living in rural areas is higher in comparison of urban areas.

2. Vulnerabilities of Children

Despite being valuable, children are vulnerable in India, both in rural and urban areas. Child vulnerability can be grouped under three categories. First of all is survival threat. If their mothers do not receive good pre-natal care, child is malnourished and suffers from various types of diseases and infections. All this may prove fatal. There is high mortality rate among children in 0 to 5 years of age. Second is developmental threat. A large number of children do not go to pre-school and to school which is crucial for their cognitive, psychological and social development. Third threat is child abuse and exploitation. Children are at risk of facing various types of exploitation, physical and sexual abuse. Children from poor and marginalized families, orphans and destitute children are more vulnerable to such threats. Following is the comprehensive list of child vulnerabilities: (i) child abuse and violence, (ii) child sexual abuse, (iii) street children, (iii) children living with AIDS, (iv) child in armed conflicts, (v) girl child, (vi) child marriage, (vii) children with disabilities, (viii) children affected by substance abuse, (ix) child without birth registration, (x) missing children, (xi) children in conflict with law, (xii) child labour, (xiii) child trafficking, (xiv) children without parental care, (xv) child health and nutrition, (xvi) child without early childhood care, (xvii) social discrimination against

children of scheduled caste and scheduled tribe families, (xviii) children in poverty.

3. Child Rights

Various international treaties, declarations and documents have listed many rights for children. In 1989, the global community adopted the UN Convention on the Rights of Child which consists of 54 articles covering all the four categories of child right namely right to life, right to development, right to protection and right to participation.

To deal with threats mentioned in earlier section, the Constitution of India and the legislatures have formulated various laws and rules, which give certain rights to children. Fundamental Rights enshrined in the Constitution of India is applicable for children too. In addition, various directive principles of State policy provides for the protection and development of children. To enforce these rights of children, various national and State level policies and programmes have also been initiated over the years. Following are some of the rights are given to children.

- 3.1** Pre-Natal Diagnostic Techniques (PNDT) Act originally passed in 1994 and amended in 2003 as Pre-Conception Pre-Natal Diagnostic Techniques (PCPNDT) Act prohibits sex-determination before birth and aims to control female feticide which is quite rampant in India.
- 3.2** Infant and Milk Substitute, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 is aimed at regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to the protection and promotion of breastfeeding and ensuring the proper use of infant foods.
- 3.3** Right of Children to Free and Compulsory Education (RTE) Act, 2009 is aimed at providing free and compulsory education in neighbourhood schools till 8th Class to every child between the ages of 6 to 14 years. It makes provision for admitting the non-admitted child to age appropriate class. It also lays down the norms and standards relating to

Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours.

- 3.4 Protection of Children from Sexual Offences (POCSO) Act, 2012 protects children from offences of sexual assault, sexual harassment and pornography. This act also safeguards interests of children at every stage of judicial process by making child friendly provisions for reporting, recording of evidence, investigation and speedy trial of cases of abuse and rehabilitation of child victims.
- 3.5 Child Labour (Prohibition and Regulation) Act, 1989 banned employment of children below 14 years of age in hazardous occupations. This Act also regulates working conditions for children in certain other employments. Amendment to this Act brought in 2016 bans employment of children in any occupation except in non-hazardous family enterprises and as an artist in entertainment industry which does not affect their school education.
- 3.6 Prohibition of Child Marriage Act, 2006 fixes age of marriage for boys at 21 years and for girls at 18 years. Married children can void their marriage before attaining adulthood. Some type of forced child marriage can be declared void without asking for it. Elders who marry underage children can be punished under this law.
- 3.7 Immoral Trafficking Prevention Act, 1956 provides safety against trafficking of children for purpose of sex work. The Act prescribes rigorous punishment for a person who procures, induces or takes a child for the purpose of prostitution.
- 3.8 Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 and 2015 provides for care, protection and rehabilitation of children in difficult and risky situations and also child offenders who violate the law. This Act not only protects the rights of children, but a person's rights when she/he was a child. 2015 Act provides for treating juvenile between 16 and 18 years of age as adult if they are charged with committing heinous crimes.

4. National Policies and Schemes

In addition to above legal rights to children, Government of India and State Governments have been implementing various policies and schemes. In its National Policy for Children, 1974, the Government of India declared children as 'nations supremely important assets' and recognized that programmes for children should find prominent place in national plans for development of human resources. The National Charter for Children, 2003 expressed the intent to secure for every child it's inherent rights to be a child and enjoy a happy and healthy childhood. National Policy for Children, 2013 while reaffirming earlier policies, recognises that survival, health, nutrition, development, education and participation are inalienable rights of every child. Among other things this policy recognizes that every child has right to family or family environment is most conducive for all round development of children and that every child has right to a dignified life, free from exploitation.

Few important Schemes for development and protection of children in India are as follows:

- 4.1** Integrated Child Development Scheme (ICDS) of Ministry of Women and Child Development aims at reducing incidence of under five deaths, malnutrition. Services provided in the Anganwadi Centres under ICDS are supplementary nutrition, immunization, health check-up, referral services, pre-school education, nutrition & health education.
- 4.2** Sarva Shiksha Abhiyan (SSA) under overarching programme of Samagra Shiksha of the Ministry of Human Resource Development aims at providing quality education to all children between 6-14 years of age. This scheme provides for opening new schools in areas without school, strengthening of facilities in existing schools, provisioning of teachers, training of teachers, promotes girls education and education of children with special needs.
- 4.3** Mid-day Meal Scheme (MDM) of the Ministry of Human Resource Development aims at improving the nutritional status of school going children. Mid-day Meals are cooked nutritious food which is provided to school children in government and government aided schools

supported under SSA. Another objective of the Scheme is to reduce school dropout rate.

- 4.4 Integrated Child Protection Scheme (ICPS) of the Ministry of Women and Child Development aims at building a protective environment for children in difficult circumstances. Vulnerable children and potential beneficiaries of this scheme and their families are identified and supported through government- civil society partnership.
- 4.5 **POSHAN Abhiyan:** POSHAN Abhiyaan strives to reduce the level of Stunting, Under-nutrition, Anemia and Low Birth Weight in Children, as also, focus on Adolescent Girls, Pregnant Women & Lactating Mothers, thus holistically addressing malnutrition. All 36 States/UTs and 718 districts will be covered in a phased manner by the year 2020. Never before has nutrition been given such prominence at the highest level in the country.
- 4.6 **Mission Indradhanus:** Launched by the Ministry of Health and Family Welfare goal of Mission Indradhanush is to ensure full immunization with all available vaccines for children up to two years of age and pregnant women. The Government has identified 201 high focus districts across 28 states in the country that have the highest number of partially immunized and unimmunized children.
- 4.7 National Child Labour Project (NCLP) of the Ministry of Labour and Employment aims at eliminate child labour in hazardous industries and ensuring school education for rescued children. Indo-US Child Labour Project in another scheme of the Ministry with a target of withdrawing and rehabilitating 80000 children employed as labour in hazardous industries in 21 districts across 5 States.
- 4.8 Integrated Programme for Street Children (IPSC) of the Ministry of Women and Child Development provides for shelter, nutrition, education, health care, recreation facilities to street children and seeks to protect them against abuse and exploitation.
- 4.9 Rajiv Gandhi National Creche Scheme for Children of Working Mothers of the Ministry of Women and Child Development provides financial assistance to NGOs etc. to set up and run crèche.

4.10 Central Adoption Resource Authority (CARA) has been established by Ministry of Women and Child Development with an objective to ensure that every orphan, destitute and surrendered child has a loving and caring family.

4.11 CHILDLINE 108 is India's 24 x 7 free, emergency phone outreach service for children in need of care and protection.

5. Committees at GP Level for Rights, Protection and Development of Children

Women and Child Development is one of the 29 subjects listed under the Eleventh Schedule of the Constitution of India. Panchayats are expected to plan and implement schemes for social justice and economic development of women and children in rural areas. Gram Panchayat being the smallest unit of government and closest to the people. It is much easier for Gram Panchayats to plan, implement, monitor, audit and report activities for protection of child rights and development of children.

There are various committees in Gram Panchayats for protection and development of children. In majority of these Committees elected representative of Gram Panchayat in the Chairperson. By ensuring orientation of members, regular meeting, effective functioning of these committees, Gram Panchayats can ensure protection of child rights and development of children in their areas. Some of these Committees are mentioned below:

5.1 Anganwadi Level Monitoring and Support Committee (ALMC): This committee is constituted under ICDS to monitor the functioning of Anganwadi Centre and to mobilize support for the Centre. There are 14 members of this Committee and GP President/woman Ward Member is the Chairperson. ALMC, inter-alia, supervise the functioning of AWC, ensure coverage of all eligible beneficiaries, review of nutritional status of 0-6 year children. To ensure these, ALMC members should visit AWC regularly.

5.2 Village Health, Sanitation and Nutrition Committee (VHSNC): Formed under National Health Mission (NHM) is formed at the revenue

village level and it should act as a sub-committee of the Gram Panchayat. It should have a minimum of 15 members which should comprise of elected members of Panchayat who shall lead the committee. VHNSC is responsible for creating awareness on health and nutrition, carry out survey on nutritional status, inclusion of nutritional needs in village health plan, monitoring and supervision of VHSNC day, facilitate early detection of malnourished children etc. VHSNC should act a sub-committee of GP.

5.3 Village Child Protection Committee (VCPC): Constituted under ICPS, the VCPC is responsible for monitoring, reporting and responding to the issues of child protection in the village community. VCPC is a community based organization formed by the participation of community members, children, government functionaries and elected representatives. GP President is the Chairperson of the Committee. The Committee identifies vulnerable children and encourages parents for protection of children in the villages. The Committee is expected to meet on monthly basis.

5.4 School Management Committee (SMC): Formed under SSA and RTE in all government and aided school, the SMC monitors functioning of school, prepare and recommend school development plan, monitor utilization of grants. SMC consists of elected representatives, parents of students and teachers.

6. Role of Gram Panchayats

Gram Panchayats can play following specific role in protection and development of children:

6.1 Understanding the Needs of Children in GP:

Needs of children can be grouped into (i) survival needs such as pre-natal and neo-natal care, (ii) developmental needs such as health, education (iii) protection needs such as against child labour, sexual abuse, corporal punishment etc. (iv) participation needs such as participation in schools, governance etc.

Gram Panchayats can collect information about new births, immunization, nutrition, school enrolment, completion of school education, safety of children, age of marriage and participation of children to understand the status of children in the GP area. Based on the collected information, key issues of children in the GP which requires to be dealt are identified. Once issues and concerns are identified, Gram Panchayat keeping in mind its human and financial resources, can draw a plan. This plan can be integrated in the Gram Panchayat Development Plan (GPDP) that every Gram Panchayats are expected to prepare before start of financial year.

6.2 Ensure Effective Functioning of Anganwadi Centre

Gram Panchayats may first examine whether there are enough Anganwadi Centres in the GP area and that all 0-6 years children are enrolled in Anganwadi. Gram Panchayat may also provide land where Anganwadi Centre does not have its own building. For example, in Kerala every Gram Panchayat allotting 10 cents of land to Anganwadi is provided Rs. 10 Lakh for construction of Anganwadi Building. Similarly GP may also examine whether staff in Anganwadi Centres are sufficient or not. GP must also ensure that Anganwadi Centres open regularly and for prescribed duration, nutritional supplements are provided regularly, weight and height measurement of children are taken regularly and that meetings of ALMC take place periodically. Most importantly, GP must ensure that children from poor, SC, ST families and girl children are enrolled and get benefited from the services of Anganwadi.

6.3 Ensure Survival of Children

Care of mother during pregnancy, institutional delivery under the supervision of a qualified health professional ensures survival of children. Gram Panchayats can play an important role in educating pregnant mother and their families, ensuring that all health and nutrition facilities are provided to the mother and child. Breast feeding of newborn may also be promoted by Gram Panchayats. It can also ensure availability of safe drinking water and sanitation facilities in the GP area. For ensuring survival of children, GP can play important role. First, ensure registration of pregnancy, births and deaths that helps keep track of check up,

immunisation, supplementary nutrition to mother and child. Second, ensure right immunization at right time which protects children from many diseases by developing resistance against them. Ministry of Health and Family Welfare prescribes a national immunisation schedule for infants, children and women. For ensuring immunization, NRHM has provided for tracking mother and child, teeka express, door-to-door visits of left out children, immunisation day etc. GP can support ASHA, ANM in community awareness and mobilization to make use of these opportunities. Third, ensuring safe drinking water, sanitation and hygiene for children. Water can get contaminated by pollutants, minerals on the ground, human and animal faeces, urine, detergents, fertilizers, pesticides etc. In addition, inappropriate storage and handling can also contaminate water. Contaminated water is a serious health risk particularly for small children. Many children die due to water borne diseases such as diarrhea, dysentery, jaundice etc. Hygienic conditions including personal hygiene such as daily bathing, washing hands before eating etc. influences health of children a great deal. Same way sanitation such as disposal of human and animal excreta, solid and liquid waste management also affects health of child.

For ensuring child survival, Gram Panchayats can create awareness among the community and sensitize people on all the above factors affecting health of infants and small children by discussing these issues in Ward Sabha, Gram Sabha meetings of Gram Panchayats, SHGs Federation meetings, VHSNC days etc.

6.4 Facilitate Development of Children

Child develops physically, mentally and emotionally with growing age. However, for such development, presence of enabling conditions is necessary. Good nutrition, balanced diet, play and exercise helps in the physical development of child. Poverty, low income, floods and famines, poor or no breast-feeding etc. lead to under-nutrition among the children. ICDS, MDM and few other schemes try to address the issue of under-nutrition. Gram Panchayats can supervise functioning of Anganwadi and also distribution of mid-day-meal in schools, can popularize kitchen garden, promote sports and physical exercise in the GP. Early child care and education may be ensured through effective functioning of Anganwadi.

Elementary education enables children to read, write, gain knowledge and become an aware citizen. Gram Panchayat may facilitate enrolment, retention and quality joyful learning in schools and can mitigate factors responsible for early school drop-out. Gram Panchayats also have to address needs of special children such as blind, deaf, dumb, physically challenged children. There are some schemes of government to provide financial assistance to family and to school to take care of their special needs. Gram Panchayats can identify children with special needs and ensure that they get financial and material support for their optimal development. During the adolescence period children suffer from lack of information about growth and age-specific needs, specifically about sexual and reproductive aspects. Some of the common challenges that they face are dropping out of school, child marriage, sexual harassments, child marriage, lack of nutrition, substance abuse etc. Government runs some programmes for adolescents, for example SABALA for adolescent girls. Services include counseling, monitoring changes through Kishori Card, take home ration, iron-folic acid supplements etc. Gram Panchayats can play important role in creating awareness about these issues and also monitoring various services for adolescent children in the GP.

By making various committees function actively and government programmes delivered effectively to children in GP areas, Gram Panchayats can ensure proper age-specific physical, psychological and emotional development of children. Elected representatives can generate awareness on various developmental issues and mobilize community to address various developmental challenges faced by children.

6.5 Protection of Children

Children are vulnerable to neglect, exploitation, abuse, violence, trafficking etc. and need to be protected to save them from physical, psychological and emotional damage, learning problems, delinquency, disability and even death. In rural areas, Gram Panchayats are the most important authority which can protect children from these vulnerabilities. Due to poverty, homelessness, family debt etc. many children have to indulge in child labour affective their physical and cognitive growth. They miss school and education, sports, interaction with same age children and also develop a

feeling of anger against their employer and adults in general. Gram Panchayats can identify child labour in their area, rescue and rehabilitate them. Children in rural India also needs protection against forced child marriage. Child marriage and early pregnancy leads to harmful long-term health consequences. Emotional immaturity and lack of adjustment in in-laws family also leads to psychological and emotional instability. Married child usually drops out of their education. Gram Panchayats may create awareness against child marriage by discussing this issue in Gram Sabha. Child sexual abuse is an abuse of a child for sexual gratification by an older or more powerful child. Victim of child abuse suffer from psychological trauma, depression, low-self esteem etc. Gram Panchayat should not only provide legal assistance but facilitate psychological counselling. While doing so their privacy and dignity must be respected. Children also need protection from corporal punishment. Adults in the family and teachers in school many a times indulge in corporal punishment to discipline children. It causes anger among children and causes destructive character, disruptive behaviour, poor school achievement, drop outs etc. In worst case, children run away from home and village and may fall prey to traffickers. Against corporal punishment too, Gram Panchayat can sensitise community and teachers. Protection against child trafficking is another area where Gram Panchayat should intervene. Due to poverty, losing parents, natural calamities, family conflicts etc. children fall prey traffickers and end up as child labour, sex workers etc. Gram Panchayats must provide and mobilize community support for vulnerable poor, SC, ST families and destitute children. GP should also keep record of children migrating out of village and keep regular contact with the employer.

For protecting children, GP must form Village Child Protection Committee if not already formed, create an enabling environment for children in the village. Wherever required it should report the case to higher level authorities to intervene. GP can also identify a few older children and get them trained to work as 'friends of children' with whom children will feel secure to confide and who can also provide preliminary counselling to children victims.

6.6 Ensuring Participation of Child

In making all decisions in the family, school and community affecting children, they should be encouraged to participate as they too have views and opinion. Children have power to influence opinions of adult. Gram Panchayats must get opinion of children beneficiaries while monitoring functioning of institutions such as Anganwadi Centre, School, health sub centre and services such as Mid-Day Meal, drinking water, sanitation facilities etc. While discussion important issues in the Gram Sabha, opinion of children can also be obtained by organizing Bal Sabha (assembly of children). Children must be treated as citizen of today and not tomorrow. For example, Gram Panchayat Mala in Trissur district of Kerala organizes Children's Gram Sabha twice a year ever since the year 2011. Gram Panchayats while preparing Gram Panchayat Development Plan must also include needs of children such as construction of Children Park, play ground etc.

7. Conclusion

Children, although an important asset, are vulnerable to abuse, exploitation and neglect. Global organizations and Government of India has recognized various rights of children. To promote and protect these rights various laws have been enacted, policies and programmes have been formulated. Rural India where poverty, illiteracy, gender discriminations, caste discriminations are higher; children are also become more vulnerable. However, community feeling is stronger in villages and if this is harnessed and mobilized for the protection of child rights and development of children, it can improve the status of children in India. Gram Panchayats being the local government closest to the people can play an important role in identifying vulnerable children and their families, assess their needs and draw a plan of action for betterment of their lives. By monitoring and supervising village institutions such as Anganwadi Centres, Schools, Primary Health Sub Centres and functionaries such as Anganwadi Workers, ASHA, ANMs etc. Gram Panchayats can enable children develop better. By discussing issues and concerns of children in Ward Sabha, Gram Sabha and also GP meetings, Gram Panchayat can mobilize community and elected representatives to

create an enabling environment in the GP. In fact, every Gram Panchayat should aim to be called child friendly Gram Panchayat.

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