



Corp: Office: #373, 2<sup>nd</sup> cross, Muniswamappa Layout, Opp. Kodigehalli Railway Station, Bengaluru – 560092  
Phone: 080-4122 6564 E-mail: [info@isupportonline.org](mailto:info@isupportonline.org) Website: [www.isupportonline.org](http://www.isupportonline.org)

## **Title:**

### **Right to Protection**

**“Special Protection /legislation” to  
secure the rights and interests of  
Orphaned / Abandoned Children**

Report drafted by: Kalyan Krishna B,  
President – Abilashrayam Trust (R)

Date: 04/12/2011

Place: Bengaluru

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# Preamble

Everyone is born equal but into unequal circumstances. And it is the duty of a Nation's Government to provide social justice to the most marginalized and underprivileged.

According to a survey conducted by SOS Village NGO in 2010, the total number of children under 0-14 years of age in India is approximately 34,01,19,000 (approx: 34 Crores). Out of this, 6.8% of total children are orphaned / abandoned children which would be approximately 2,32,46,000 (approx: 2.5 Crores). Out of this barely 10 % of them are taken care by various orphanages situated across the country. The rest as per the study conducted by various NGO's are victims of child labor, child trafficking, drug peddling, street begging, rack picking etc, to name a few.

In spite of continued efforts of the state and Union and other support institutions to improve the social dignity of these orphaned / abandoned children; the major percentage of them don't or do not get to utilize the various schemes and other support systems introduced by either the State or Central Government. Various studies have demonstrated that though most orphaned / abandoned children are able to access education and boarding, these rights / benefits / opportunities cease once they attain the age of fourteen. The same leading to discrimination and unrest in the society since, these children thereafter are left at their own destiny.

Further a proportion of the children who already received educational grants and subsidies discontinue their studies if they are just average performers. This attitude is born out of lack of belief in the system that they could secure jobs just like other privileged children.

The solution for this problem lies in considering a “Special Protection / Legislation” for orphaned and abandoned children, since reservations are legal and binding. A reservation for these children will be the “Dawn of a new Era” of changes that will provide Social security and would go a long way in shaping the destiny of our country.

# About Us

**Abilashrayam Trust (R)** is a registered Indian Non Government Organization working on child rights, senior citizen rights and rural development.

Abilashrayam is devoted to looking at the wider picture; not only to help one cause but to focus on related causes as well. We hope by doing so our work will have a positive impact on the community and encourage others to make a difference.

### **Approvals & Registrations**

**Below is a list of approvals Abilashrayam has.**

- Registered under Indian Trust Act (**Reg. No.251/08-09**)
- Certified under section **12A** R/w Section 12AA (1) (b) (i) of the Income Tax Act.1961.

**Certificate No:** DIT(E)BLR/12A/A-

1167/AACTA4556D/ITO(E)-1/VOL2009-2010

- Approved under Section **80G (5) (VI)** of the Income Tax Act, 1961.

**Approval No:**

DIT(E)BLR/80G/310/AACTA4556D/ITO(E)-1/VOL2009-2010

# Proposal

**Recommendation of “Special Protection / Legislation” for Orphaned / Abandoned children under the parameters mentioned hereunder:**

- a) Admissions to professional courses like medicine, engineering, law etc.
- b) Govt. / PSU / Private / Nationalized Bank Job quotas
- c) Age relaxation for direct recruitments in to Govt. sectors
- d) Govt. provided Secondary & higher educational concessions like exemption of tuition fees, free supply of books, mid day meals, special hostel facilities, stipends, scholarships etc.
- e) Free vocational trainings
- f) Election quotas
- g) Or such reservations permissible under the Indian constitution

# **Reservation Practice in India**

The Constitution of India states in article 15(4) that "All citizens shall have equal opportunities of receiving education. Nothing herein contained shall preclude the State from providing special facilities for educationally backward sections of the population." It also states that "The State shall promote with special care the educational and economic interests of the weaker sections of society (in particular, of the scheduled castes and aboriginal tribes), and shall protect them from social injustice and all forms of exploitation." But it says that nothing in the Article 15(4) will prevent the state from helping women, children and SC's or backward tribes for their advantage, safeguard and betterment.

National Charter for children 2003 (Ref: Annexure 2 attached) by **Ministry of Women and Child Development** reads about various schemes and benefits for **children in general** but nothing in particular for orphaned / abandoned children. The benefits / schemes are still subject to children below the age of 14 years.

Below are the key schemes/benefits that are executed by that Ministry of Women and Child Development.

- **Survival, Life and Liberty**
- **Promoting High Standards of Health and Nutrition**
- **Assuring Basic Minimum Needs and Security**
- **Play and Leisure**

- **Early Childhood Care for Survival, Growth and Development**
- **Free and Compulsory Primary Education**
- **Protection from Economic Exploitation and All Forms of Abuse**
- **Protection of the Girl Child**
- **Empowering Adolescents**
- **Equality, Freedom of Expression, Freedom to Seek and Receive Information, Freedom of Association and Peaceful Assembly**
- **Strengthening Family**
- **Responsibilities of Both Parents**
- **Protection of Children with Disabilities**
- **Care, Protection, Welfare of Children of Marginalized and Disadvantaged Communities.**
- **Ensuring Child Friendly Procedures**

➤ As per the schemes / benefits introduced by the Ministry of Women and Child Development mentioned above, it is evident that structural re modifications to the existing Reservation system by including “Special Protection / legislation” for Orphaned / abandoned children is necessary to avoid discrimination at all levels and allocation of right to equality as a basic right.

➤ Even though it is a known fact that India practices reservations for Minorities, scheduled Tribes, Scheduled Castes, Backward classes and other Backward classes,

there exists no such reservations aimed at the Social security of Orphaned / abandoned children who don't fall under any of these categories.

- Quote reference from “The National Charter for children 2003”, as exclusively given above that the best interest of children must be protected through combined action of the state, civil society, communities and families in their obligations of fulfilling children's basic needs.
- Underlying this charter is the intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation.

**Need for a  
“Special Protection /  
Legislation”**

- i. It has been observed that less than 2% of Orphaned and abandoned children who complete their secondary education opt for higher studies, for lack of motivation to pursue their dreams and aspirations citing reasons of stiff competition to avail seats for such courses.
- ii. The Central or State Governments lack adequate institutions that can cater to the higher education of the sum total of all the orphaned / abandoned children that are currently in India (Approx: 2.5 Crores).
- iii. A large number of children in India struggle to survive leave alone having access to education and other welfare measures. Some of these children end up being trafficked or forced in to illegal works.
- iv. Since, each state and union territories have various schemes and policies with regard to implementation of Social security of the orphaned / abandoned children; it is extremely difficult to maintain a track of all the beneficiaries under those schemes and their subsequent development.
- v. A model and noble initiative established by the Government of Andhra Pradesh for extension of the benefit

of Scholarships and reimbursement of fees etc., on par with SC Students to Orphans whose caste status is not known can be a model of how the reservation scheme can be implemented. The A.P Government took in to consideration various representations received for extending the benefit of “Reservation to Orphans / Destitute” in the residential educational institutions and issued a Government Order for the same on 31-08-2010.

- vi. (**Ref Annexure 1** – Government of Andhra Pradesh - G.O.Ms.No.47 Dated: 31-08-2010.)
- vii. Considering the projected increase in the number of orphaned / abandoned in India, there is a need for a plan of action to be initiated by the Central Government of India towards imparting Social Justice for these children.
- viii. The only viable solution for such a large scale undertaking that can make a huge impact on the progressive growth of orphaned / abandoned children and provide a definite future for them is the need to classify them, track them, rehabilitate them, educate them, counsel them and place them in definite employment across all sectors / industries.

- ix. When there exists reservation system based on Caste, Gender, Religion, State of Domiciles, and others, the children without parents or guardians should be given equal priority as they don't have a caste or religion.
- x. The government of India is bound and empowered by the constitution of the country to secure for all citizens equality in social, economic and political sphere.
- xi. Reservations will maximize the human resource of India. It provides great economic benefits by raising the productivity of the country's workforce.
- xii. In a perfectly functioning society the institutions and various walks of life must represent the many sections roughly in proportion to their share in population. In India it is clearly not the case and hence the need for reservations.
- xiii. The UN "Declaration of the Rights of the Child" states that "the child shall be given opportunities and facilities by law and by other means to enable them to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner". The best interests of the child shall be the paramount consideration. Justice and equal opportunities for all, is especially important for orphaned / abandoned children who often inherit the unequal legacy and inequalities that shaped their parents lives.

- xiv. India does not have the economic or institutional capacity for undertaking a grass root based solution to the problem, so reservations remain the only practical solution for social anti-discrimination
  
- xv. As per The Constitution of India states in article 15(4), children of the society that are most vulnerable to abuse and discrimination should be given the utmost priority while drafting secure systems / schemes / benefits.**
  
- xvi. As per the article 15 (4), it is duly noted that social justice is not achieved at any levels for orphaned / abandoned children. Hence the critical need for a “Special Protection / Legislation”.**

# **Quantum and Scheme of Reservations**

Scheduled Castes and Scheduled Tribes constitute 22.5% of the country's population. Accordingly, a pro-rata reservation of 22.5% has been made for them in all services and public sector undertakings under the Central Government. In the States also, reservation for SCs and STs is directly proportional to their population in each State.

With the above general recommendation regarding the quantum of reservation, we propose the following over-all scheme of reservation for orphaned / abandoned.

- 1) Candidates belonging to orphaned / abandoned recruited on the basis of merit in an open competition should not be adjusted against their reservation quota and other orphaned / abandoned children should be considered for the reservation quota.
- 2) The above reservation should also be made available to promotion quota at all levels.
- 3) Reserved quota remaining unfilled should be carried forward for a period of three years and fulfilled thereafter.
- 4) Relaxation in the upper age limit for direct recruitment should be extended in the same manner as done in case of SCs and STs.
- 5) A roster system for each category of posts should be adopted by the concerned authorities in the same manner as presently done in respect of SC and ST candidates.

- 6) The above scheme of reservations in its toto should be made applicable to all recruitment to public sector undertakings in the Central and State Governments, as well as nationalized banks.
- 7) All private sector undertakings which have received financial assistance from the Government should be obliged to recruit personnel on the aforesaid basis.
- 8) All universities and affiliated colleges should also be covered by the above scheme of reservation.
- 9) To give proper effect to these recommendations, it is imperative that adequate statutory provisions are made by the Government to amend the existing enactments, rules, procedure, etc. to the extent they are not in consonance with the same.
- 10) It is also obvious that even if all the above facilities are given to orphaned / abandoned students, they will not be able to compete on an equal footing with others in securing admission to technical and professional institutions. In view of this it is recommended that seats should be reserved for orphaned / abandoned students in all scientific, technical and professional institutions run by the Central Government as well as State Governments. This reservation will fall under Article 15(4) of the Constitution and the quantum of reservation should be the same as in the Government services.
- 11) While implementing the provisions for reservation it should also be ensured that the candidates who are admitted

against the reserved quota are enabling to derive full benefits of higher studies.

- 12) It is suggested that suitable institutional financial and technical assistance is available to orphaned / abandoned children for entrepreneurial ventures under the reservation scheme. Similar assistance should also be provided to those promising orphaned / abandoned candidates undertaking vocational training.
- 13) Most State Governments have created various financial and technical agencies to promote small and medium scale businesses. Such financial and technical supports should be made accessible for orphaned / abandoned candidates.
- 14) **The impact percentage after implementation of the above recommendations would stand at a healthy figure of 30%.** It is derived after the following calculations.

As per the statistics mentioned, the percentage of orphaned/abandoned children in India is 7%. Hence, there should be a reservation equivalent to 7% (as per the Indian constitution).

If the orphaned /abandoned children are given a reservation of 7%, they would additionally be entitled to benefits that come under the existing reservation system like

Access to vocational training: 10% (As per Govt. quota)

Access to micro finance for small scale industries: 10% (As per Govt. quota)

According to statistics surveyed in India, an average of 10% orphaned/abandoned children are merit holders.

**Hence, the total impact due to "7% reservation for orphaned/abandoned children" would be 30%.**

# Implementation

# **Pre Process**

## **Classification:**

Orphaned / abandoned children have to be classified into various segments as given here under

### **Orphaned**

- a) Orphaned without both parents
- b) Orphaned with a single parent
- c) Orphaned with guardian
- d) Orphaned and physically challenged without both parents
- e) Orphaned and physically challenged with a single parent
- f) Orphaned and physically challenged with guardian
- g) Orphaned and mentally challenged without both parents
- h) Orphaned and mentally challenged with a single parent
- i) Orphaned and mentally challenged with guardian
- j) Orphaned and HIV/AIDS affected without both parents
- k) Orphaned and HIV/AIDS affected with a single parent
- l) Orphaned and HIV/AIDS affected with guardian

## Abandoned

- a) Abandoned without both parents
- b) Abandoned with a single parent
- c) Abandoned with guardian
- d) Abandoned and physically challenged without both parents
- e) Abandoned and physically challenged with a single parent
- f) Abandoned and physically challenged with guardian
- g) Abandoned and mentally challenged without both parents
- h) Abandoned and mentally challenged with a single parent
- i) Abandoned and mentally challenged with guardian
- j) Abandoned and HIV/AIDS affected without both parents
- k) Abandoned and HIV/AIDS affected with a single parent
- l) Abandoned and HIV/AIDS affected with guardian

## Orphaned / abandoned who are critically ill

- a) Orphaned / abandoned who are critically ill without both parents
- b) Orphaned / abandoned who are critically ill with a single parent
- c) Orphaned / abandoned who are critically ill with guardian

## **Authorization of agencies:**

The child & women welfare departments can authorize certain children homes, juvenile homes, Govt. Institutions, Reputed NGOs, licensed Orphanages, Governmental & Non governmental agencies working towards child rights, certified adoption agencies etc., to initiate the process of identification of orphaned / abandoned children.

## **Identification:**

Identification of the orphaned / abandoned children as mentioned under classifications can be achieved through children homes, juvenile homes, Govt. Institutions, Reputed NGOs, licensed Orphanages, Governmental & Non governmental agencies working towards child rights, certified adoption agencies, State Child & women welfare departments etc.

## **Process**

### **Verification**

Govt. Institutions, Reputed NGOs, licensed Orphanages, Governmental & Non governmental agencies working towards child rights, certified adoption agencies, State Child & women welfare departments etc. in coordination with child & women welfare departments along with the local police can verify the credentials and submit the relevant documents along with the applications to the Tahsildhar / concerned government official.

## **Post Process**

### **Certification**

The Tahsildhar shall enquire and issue a certificate of eligibility under “The Special Protection Bill” after proper verification and only in favor of eligible children under the category. All such applications received shall either be certified or rejected as case may be within specified time duration of receipt of applications.

# Prayer

Considering the plight surrounding orphaned / abandoned children, we humbly request acknowledgement of the recommendations and suggestions made in this report for a better and more sustainable future for orphaned / abandoned children by a “Special Protection / legislation”.

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# **Annexure 1**

## **GOVERNMENT OF ANDHRA PRADESH**

### **ABSTRACT**

Reservation for Orphan/destitute children in Residential Institutions of Tribal Welfare, Social Welfare, B.C. Welfare, Minorities Welfare and A.P. Residential Educational

## Annexure 1

### **GOVERNMENT OF ANDHRA PRADESH**

#### **ABSTRACT**

Reservation for Orphan/destitute children in Residential Institutions of Tribal Welfare, Social Welfare, B.C. Welfare, Minorities Welfare and A.P. Residential Educational Institutional Society – Orders–Issued.

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#### **WOMEN DEVELOPMENT, CHILD WELFARE & DISABLED WELFARE (JJ) DEPARTMENT**

G.O.Ms.No.47 Dated: 31-08-2010.

Read as follows:-

**G.O.Ms.No.34, WD, CW & DW (DW) Dept., Dated 27.09-2008.**

\* \* \* \*

In the G.O. read above, orders were issued for extension of the benefit of

Scholarships and reimbursement of fees etc., on par with SC students to orphans whose caste status is not known, duly treating them as casteless.

2. Government taking into consideration, various representations received for extending the benefit of reservation to orphans and destitutes in the Residential Educational Institutions, as was also discussed in the first general body meeting of the “A.P. Society

for Protection and Empowerment of Women and Children” held on

11-08-2010, hereby issue the following orders:

i. Up to 3% of the seats are earmarked for orphans/ destitutes in the age appropriate class in Residential schools, Residential Junior Colleges, and Residential Degree Colleges run by Welfare Departments and Education Department. In case of excess applications, if any such student cannot be adjusted within a particular district, they may be given out of turn admission increasing the strength not exceeding 2 (two) in a class.

ii. The children who will qualify to be treated as Orphans or destitutes shall be:-

- a. Orphans i.e., children who do not have both parents or whose parents may have deserted them and such children who do not have any other guardian to take proper care of them.
- b. Child who has one parent and who is not in a position to look after the child and the child has been grossly neglected or such parent is mentally ill /severely disabled or terminally ill with HIV/AIDS.

c. Child victims of trafficking who are rejected by their families or have unsafe families (parents or family involved in trafficking themselves).

iii. The orphan/destitute children who belong to Muslim community, if they so desire, shall be given preference for admission in the institutions run by minorities welfare department.

iv. With regard to Orphans or destitutes from Government Institutions such as children homes, juvenile homes etc, the Head of the Institution concerned will give an application and certificate in the proforma enclosed (Annexure-I).

(v) (a) Head of the NGO institution who wish to admit the orphan/destitute children of their institutions, in the Residential institution concerned, must similarly make an application in the prescribed proforma (Annexure-I), to the CDPO concerned.

(b) The CDPO, Tahsildhar and MPDO shall enquire and issue certificate of eligibility in the proforma annexed to this order (Annexure-II). They shall issue the certificate only if either of the conditions as at 2 (II) above are fulfilled. Each of them shall be responsible for ensuring that the certificate is issued after proper verification, only in favour of eligible children from such NGO institutions.

(c) All such applications received from NGO institutions, shall be either rejected or certificate issued as case may be, within 20 days of receipt of application.

(vi) All NGOs and Govt. institutions established for providing shelter to “children in need of care & protection” should obtain license under Section 3 r/w Section 10 of “The Women & Children Institutions (Licensing) Act 1956”, from the Department of Women Development & Child Welfare.

(vii) False claims by the head of the NGO Institution/ Govt. Institution/Officers concerned shall entail disciplinary action / cancellation of license and prosecution.

(viii) a) All applications with appropriate enclosures, including certification by the designated officers as at 2 (v) above, shall be verified and admission accorded by the Principal of the Institution to whom such applications are made. The admission or refusal with grounds for refusal as case may, be shall be given by the Principal within 15 days of receipt of application.

(b) The Principal or the head of the institution concerned shall enter the details of all such children, who are admitted or whose admission is rejected at the specially provided window **”ORPHAN CHILD PROTECTION”** at website: <http://wcdsc.ap.nic.in>. This information will have restricted viewing by concerned officials only.

(ix) One of the Residential Institutions having the best facilities in every district shall be identified / notified by the District Collector as a vacation institution. All orphan and destitute children who do not have relatives or family members providing

a safe and conducive environment shall be accommodated in such institution during all long vacations. The District Collector or the officer entrusted shall co-ordinate and ensure posting of selectively identified staff from the Residential Institutions to the vacation institution during vacations. Counselors, trainers, coaches etc. from other institutions including Residential institutions could also be drafted during such vacations. All such staff shall be adequately compensated by allowing alternate leave without affecting completion of syllabus under their charge. A child friendly schedule to include sports, games, vocational training, encouraging pursuit of hobbies etc, should be followed during such vacations.

(x) Reputed NGOs having required resources, facilities and skills may be selectively identified and involved for providing requisite facilities.

3. District Collectors and the Secretaries of the Residential School Societies concerned shall monitor closely and ensure effective implementation and protection of all such children.

# **Annexure 2**

**National Charter for Children, 2003**

**Annexure 2**

**National Charter for Children, 2003**

**(PUBLISHED IN THE EXTRAORDINARY GAZETTE OF  
INDIA,**

**PART-I, SECTION-I)**

**NO. F. 6-15/98-CW**

**GOVERNMENT OF INDIA**

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT**

**DEPARTMENT OF WOMEN AND CHILD  
DEVELOPMENT**

**New Delhi, the 9<sup>th</sup> February, 2004**

**Subject:- National Charter for Children, 2003**

**RESOLUTION**

The Government of India have had for consideration the question of adopting a National Charter for Children to reiterate its commitment to the cause of the children in order to see that no child remains hungry, illiterate or sick. After the consideration, it has been decided to adopt the National Charter for Children enunciated below:-

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

Whereas the Constitution of India enshrines both in Part III and IV the cause and the best interest of children, insofar that:

The State can make special provisions for children, (Art 15 (3))

The State shall provide free and compulsory education to all children of the age of six to fourteen years, (Art 21.A)

No child below the age of 14 years shall be employed to work in a factory, mine or any other hazardous employment, (Art. 24)

The tender age of children is not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (Art. 39 e), and that

Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that youth are protected against exploitation and against moral and material abandonment (Art. 39 f),

The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years, (Art. 45)

Whereas it is a Fundamental Duty of a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen year, (Art. 51A)

Whereas through the National Policy for Children, 1974, we are committed to providing for adequate services to children, both before and after birth and throughout the period of growth, to ensure their full physical, mental and social development,

Whereas we affirm that the best interest of children must be protected through combined action of the State, civil society, communities and families in their obligations in fulfilling children's basic needs,

Whereas we also affirm that while State, Society, Community and Family have obligations towards children, these must be viewed in the context of intrinsic and attendant duties of children and inculcating in children a sound sense of values directed towards preserving and strengthening the Family, Society and the Nation.

And whereas we believe that by respecting the child, society is respecting itself,

Now, therefore, in accordance with our pledge in the National Agenda of Governance, the following National Charter for Children, 2003 is announced.

Underlying this Charter is our intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the

conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation.

### ***Survival, Life and Liberty***

1.a. The State and community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children.

b. In particular, the State and community will undertake all appropriate measures to address the problems of infanticide and foeticide, 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**

2.a. 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 immunisation and prevention of micronutrient deficiencies for all children.

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

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

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

e. 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.

3. 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***

4. a. The State recognizes that the basic minimum needs of every child must be met, that foster full development of the child's faculties

b. 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.

c. 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***

5. The State and community shall recognise 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***

6. a. 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.

b. 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.

c. The State will make special efforts to provide these facilities to children from SCs/STs and marginalised sections of society.

### ***Free and Compulsory Primary Education***

7. a. The State recognises 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.

b. At the secondary level, the State shall provide access to education for all and provide supportive facilities from the disadvantaged groups.

c. 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.

d. The State and community recognise that a child be educated in its mother tongue.

e. 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.

f. The State shall ensure that school discipline and matters related thereto do not result in physical, mental, psychological harm or trauma to the child.

g. 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***

8.a. The State shall provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being.

b. 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.

c. The State shall move towards a total ban of all forms of child labour.

9. a. All children have a right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment.

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

c. 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.

d. 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.

10.a. 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.

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

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

### ***Protection of the Girl Child***

11. a. 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.

b. 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.

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

### ***Empowering Adolescents***

12. 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***

13. 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.

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

15a. 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.

b. 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.

c. 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.

16 All children shall enjoy freedom of association and peaceful assembly, subject to reasonable restrictions and in conformity with social and family values.

### ***Strengthening Family***

17 a. 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.

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

c. 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.

d. 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.

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

### ***Responsibilities of Both Parents***

18. The State recognises the common responsibilities of both parents in rearing their children.

### ***Protection of Children with Disabilities***

19. a. The State and community recognise 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.

b. 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.

c. 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.

d. 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 Disadvantaged Communities***

20. 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 practises that promote their best interest.

21. The State recognises 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***

22. 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.