



INFORMATION BULLETIN

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SAFETY OF CHILDREN

INTRODUCTION

Children are the core assets of any country. For a country like India having the largest child population in the world it is all the more important for all stakeholders, planners, legislatures and the people in general to give primacy to the safety, security and welfare of the children. It is imperative to focus on the overall welfare of children so that they are carefully nurtured to become responsible citizens. Though a lot has been achieved in this regard over the years, much more still needs to be done to harness their potential and to make them contribute to the national cause. One of the important impediments to children's overall growth is their exposure to violence and abuse leading to long-term physical, psychological and emotional harm which causes long lasting and at times even crippling effects on them. Concerted efforts are required to create a safety net for children by eliminating risks in public spaces, within the family and community. Reducing specific risk factors like access to and harmful use of alcohol and drugs, protection from child marriage, child labour and trafficking would go a long way in achieving the objective. Children need to be empowered, protected and their vulnerability status needs to improve, by safeguarding them from abuses, violence, discrimination, neglect, injustice, forced labour and trafficking.

Traditional vs Rights approach

The Indian society is patriarchal in structure where the chain of command is definite and inviolable. Traditionally, the responsibility of care and protection of children has been with families, extended families, and communities. There is a widespread and socially accepted belief that the family is supremely capable of looking after the best interests of the child. In serving the so-called best interest, parents and teachers often adopt harsh methods of disciplining children in the erroneous belief that physical punishment will bring about discipline in children in the long-run. Further, prevalence of poverty exposes the children to abuse as they are more vulnerable and susceptible to exploitation. Various social customs and traditional practices also increase their vulnerability to abuse and neglect. The high levels of competition for limited employment opportunities in public sector often force parents to make unrealistic and unacceptable demands from their children to perform well in their academics causing mental stress, at times, leading to their taking the extreme step of committing suicide.

Crimes Against Children

Children are often subjected to sexual abuses and other forms of crimes. There has been a considerable rise in the number of registered cases of crimes against children over the past

few years. According to the National Crime Record Bureau Report, 'Crime in India 2016'¹, the crime rate, was 1,06,958 during 2016 in comparison to 94,172 in 2015. The major crime against children reported during 2016 were kidnapping & abduction (52.3 per cent) and cases under the Protection of Children from Sexual Offences (POCSO) Act, 2012 (34.4 per cent) including rape. The maximum number of cases under crime against children were reported in Uttar Pradesh (15.3 per cent), Maharashtra (13.6 per cent) and Madhya Pradesh (13.1 per cent). At the same time, children being in conflict with the law has also been a matter of concern. A total of 35,849 cases of "children in conflict with the law" (CCL) were reported in 2016. However, majority of these cases are petty crimes and are preventable by providing proper guidance and counselling to children and economic strengthening of their families. The safety of the girl child has also been a matter of concern as they face multiple vulnerabilities. Many girls are married before their legal age. According to the National Family Health Survey (NFHS-4) (2015-16), 26.8 per cent women in the age group of 20-24 years were married before completing 18 years.

It is disturbing and distressing to come across the staggering statistics revealing the scary narrative of sexual abuse of innocent children. Studies suggest that a considerable number of offenders are the immediate family members or relatives or persons known to the victim.

In this context, it is important to note that family, immediate care-givers and the local Governments (Panchayats/Urban Local Bodies/Municipalities) have an important role to play in the prevention of sexual abuse and creating a safe environment. The risks and vulnerabilities for children vary largely based on their own social-economic and cultural context. Panchayats and the Local bodies, along with local communities are best suited to undertake the risk assessment and develop strategies to mitigate them. However, they need a lot of training and orientation to do their jobs well. There is a need to orient the parents, children,

teachers, School Management Committee, Anganwadi Workers (AWWs), Accredited Social Health Activist (ASHA) and Auxiliary Nurse Midwifery (ANM) on issues related to child protection and provisions of the Protection of Children from Sexual Offences (POCSO) Act/ Juvenile Justice Act, 2015, the procedure to be followed in case of any abuse and also how to maintain the sensitivity and confidentiality of such cases.

Widespread practice of child marriage, physical punishment, child labour, female foeticide and other forms of exploitation against children are silently accepted by the society, because of lack of awareness among the people in India and to some extent due to traditions and superstition.

To address such a complex issue, an appropriate campaign and public awareness approach has been adopted by the Ministry of Women and Child Development (MWCD). The Ministry through the Integrated Child Protection Scheme (ICPS) has proposed to develop an effective public education strategy. All forms of the media including video, audio, physical and electronic are being utilized for disseminating this Information, Education and Communication (IEC) material to people. India has also ratified the Optional Protocols on Involvement of Children in Armed Conflict, and on Sale, Prostitution and Pornography in 2005. In addition to this, the Ministry of Labour and Employment is also undertaking awareness campaigns under the National Child Labour Project (NCLP) Scheme for eradication of child labour.

The immediate environment of a child is influenced by the economic situation of the families, peer group, teachers and the like. Evidently, where most of the children and families live in poverty, providing protection to the children can be challenging. Poverty further complicates efforts to effectively protect children. In situations where families strive to secure their rights to have two square meals a day, it becomes a daunting task to think of securing the rights of the children. In such environments issues like child rights become secondary.

¹NCRB 2016.

The children living in poverty grow up in a less protected environment. For instance, in a typical rural family where both the parents go to work, the children are left to fend for themselves exposing them to violation of their rights. In such situations, the families have limited resources to combat the issues of violence against children.

Constitutional Provisions

While the Constitution of India guarantees many rights to the children, the approach to ensure the fulfillment of these rights is more

needs-based rather than rights-based as in the case of European countries. The transition to the rights-based approach in the Government and the civil society is still evolving in India. Therefore, the conflict between the traditional practices and the evolving global human rights approach is not only within the societal level but also at the individual level.

The constitution of India provides the utmost priority to the safety and security of children and their protection from exploitation, abuse and neglect.

- Article 14 provides equality before the law or the equal protection of the laws.
- Article 15(3) encourages State for making any special provision for women and children.
- Article 21A directs the State to provide free and compulsory education to all children of the age of six to fourteen years.
- Article 23 prohibits trafficking of human beings and forced labour.
- Article 24 prohibits employment of children below the age of fourteen years in factories, mines or any other hazardous occupation.
- Articles 39 and 45 envisage that the State shall endeavour to provide early childhood care and education for all the children until they complete the age of six years. Article 39(f) provides 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”*.
- Of the articles mentioned above, article 39 stands out as very significant because it mentions that the State should direct its policy towards children in such a way that they grow up in a healthy and safe environment and are protected against exploitation and against moral and material abandonment.

Initiatives for Child Safety

In order to protect the children who constitute 39 per cent of the population of the country, the Government of India has taken many initiatives including some landmark legislations and policies to help protect the children from abuse and to safeguard their crucial rights. Important Legislations like the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994, the Commission for Protection of Child Rights Act, 2005, Prohibition of Child Marriage Act, 2006, The Right of Children to Free and Compulsory

Education Act, 2009, the POCSO Act 2012, formulation of the National Policy for Children (NPC), 2013, the Juvenile Justice (Care and Protection of Children) Act, 2015, Child Labour (Prohibition and Regulation) Amendment Act, 2016, National Plan of Action for Children, 2016, signing and ratification of the United Nation's Convention on the Rights of Children (UNCRC) in 1992 etc., are significant among them.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 provides for complete prohibition on employment of children below 14 years in all occupations and processes

and prohibits employment of adolescents (14-18 years) in hazardous occupations and processes.

India has so far ratified 6 out of 8 core ILO conventions, with the other core ILO conventions relating to abolition of forced labour, equal remuneration and no discrimination between men and women in employment and occupation. The Government of India has also notified the amendment in the Child Labour (Prohibition and Regulation) Central Rules after extensive consultation with the stakeholders. The Rules provide for the first time a broad and specific framework for prevention, prohibition, rescue and rehabilitation of child and adolescent workers.

The Ministry of Labour and Employment is also implementing the National Child Labour Project (NCLP) Scheme for rehabilitation of Children withdrawn from work. Under the Scheme, working children rescued/withdrawn from work in the age group of 9-14 years are enrolled in the NCLP Special Training Centers (STCs) where they are provided with bridge education, vocational training, mid day meal, stipend, health care, etc. before being mainstreamed into the formal education system. Since inception of the Scheme *i.e.* 1988, more than 12.50 lakh children have been mainstreamed into the formal education system. The Scheme is presently sanctioned in 280 districts of the country with an enrollment of 1.26 lakhs children in 109 districts in which the Scheme is operational.

The Ministry of Labour and Employment also launched the Platform for Effective Enforcement for No Child Labour ('PENCIL') on 26 September, 2017. The PENCIL is an electronic platform that aims at involving the Centre, State, District, Governments, civil society and the general public in achieving the target of child labour free society.

The Juvenile Justice (Care and Protection of Children) Act, 2015 is the primary legislation for ensuring the safety, security, dignity and well-being of children. The Act provides for protection of children in need of care and protection and those in conflict with law by

catering to their basic needs through proper care, protection, development, treatment and social re-integration. Under the Act, several new offences committed against children, which are so far not adequately covered under any other law, are included such as, sale and procurement of children for any purpose including illegal adoption, corporal punishment given to children, use of children by militant groups, offences against disabled children and, kidnapping and abduction of children.

For the effective implementation of the Act, the MWCD is implementing the Integrated Child Protection Scheme (ICPS) which is now termed as "Child Protection Services (CPS)" under the umbrella Integrated Child Development Services (ICDS). This scheme enables and supports the State Govts./UTs to implement the various provisions of the Juvenile Justice Act effectively and putting in place a safety net of structures, services and personnel for child protection.

The Government is implementing emergency outreach services for children through the CHILDLINE service, in partnership with the CHILDLINE India Foundation (CIF). It is a free 24x7 emergency phone outreach service. Children or concerned adults can dial the number 1098 from any phone service provider in India, and are connected to the CHILDLINE service in their city. These services, supported under the ICPS, have expanded to 412 locations across the country from 279 in 2013-14. The CIF anchors these services and reaches out to children in crisis through a network of 781 CHILDLINE units.

Further, the MWCD and the Ministry of Railways have jointly taken an initiative to ensure the care and protection, security and well-being of run-away, unaccompanied and trafficked children who come in contact with the railways. Child Help Desk/Kiosks have been set up to provide immediate attention to children at railway stations who are found unaccompanied by any adults and thereby address the issue of runaway, missing, abandoned children and children in other difficult circumstances in a more systematic and institutionalized manner. This initiative is

currently operating at 33 railway stations which serve as 'source' and 'destination' centre for child trafficking. However approval for extending the service in 55 more new railway stations has been given by the MWCD. Since inception till December, 2017, around 33,169 children have been assisted through this service.

The Ministry under its Integrated Child Protection Scheme (ICPS) has been implementing the TrackChild portal since 2011-12 for tracking the missing and recovered children all over the country. Information on the missing and recovered children is uploaded by the Police and information on children residing in Child Care Institutions is uploaded by the Child Welfare Committees, Juvenile Justice Boards and the functionaries of Child care institutions (CCIs). The MWCD and the State Governments monitor the functioning of the portal regularly. Recently, TrackChild 2.0 a new english version was launched with enhanced features such as Mobile Application. Besides, the Ministry had developed the *Khoya-Paya* portal in 2015-16 which was integrated as citizen's corner in the TrackChild portal as per the direction of the Hon'ble Supreme Court of India. The objective of creating a citizen centric platform was to enable citizens to report missing children as well as sightings of their whereabouts without losing much time. Found children can also be reported on *Khoya-Paya*. Any citizen can register on *Khoya-Paya* by using an Indian Mobile number.

The Protection of Children from Sexual Offences (POCSO) Act, 2012 is an important legislation that intends to protect children from sexual assault, sexual harassment and pornography. It applies to children of both sexes below the age of 18. This Act has been made more stringent following the amendments in the Criminal Law Amendment Bill, 2013. The challenges lie in implementing these Acts and bringing the offenders to justice. Both the above mentioned Acts promote and ensure a child-friendly approach in the adjudication and disposal of matters in the best interest of children.

MWCD has also launched POCSO e-Box with The National Commission for Protection of Child Rights (NCPCR) to facilitate online reporting of child sexual abuse. POCSO e-Box is an internet based facility to provide a safe and anonymous mode of making a complaint with minimal details. As soon as the complaint is filed, a trained counsellor immediately contacts the child and provides assistance to the child. The counsellors also register a formal complaint on behalf of the child where warranted. Since the inception of POCSO e-box, a total 1153 hits were made on this facility till 11.12.2017.

The Commission for Protection of Child Rights (CPCR) Act, 2005 provides for the constitution of a National Commission and State Commissions for protection of Child Rights and Children's court for speedy trial of offences against children or of child rights. The National and State Commissions for Protection of Child Rights (with the sole exception of Jammu & Kashmir) have since been constituted to monitor and review the implementation of legislations, policies and practices to improve and ensure better services for all children.

Further, protection of children requires strong co-ordination between multiple stakeholders - various Ministries and departments of the government, civil societies and most importantly, the community and women and children themselves. The National Plan of Action for Children, 2016 developed by MWCD provides a framework for the same by defining the roles of specific stakeholders, activities, related schemes and monitoring indicators. The plan proposes a roadmap for universalizing and strengthening the structures and mechanisms that facilitate the integration of a network of interventions and policies to effectively address multiple vulnerabilities of children in diverse settings.

Child Budgeting

The Ministry of Women and Child Development has also initiated the process of comprehensive child budgeting in close consultation with the NITI Aayog and the Ministry

of Finance. Evidences suggest that one of the best ways of breaking the inter-generational cycle of poverty is by investing more in children so that they become capable adults. The concept of child budgeting focuses on encouraging all Ministries/Departments to allocate budget and plan activities for children either through child-centric activities; *i.e.* by providing direct benefits and services to children; or through child-sensitive activities, *i.e.* initiatives to ensure that children are not affected negatively by their activities and that the activities are mindful of children as their clients. This will ensure adequate resources for effective implementation of the legislation and the policies for the protection and well-being of children.

The Ministry of Women and Child Development is also working closely with the Ministry of Panchayati Raj to sensitize the PRIs towards child protection issues and to include the concerns of children and their safety in their own local level planning.

The MWCD is also considering the issue deliberated under the Hague Convention on the Civil Aspects of International Child Abduction, which is a multilateral treaty on custodial issues of children. The issue is being examined in the backdrop of the Indian socio-cultural context.

In order to protect children living in the child care institutions set up under the Juvenile Justice Act, 2015, from the risk of any unforeseen disasters, the Ministry is planning to organize various disaster risk reduction activities (based on the vulnerability profile of the State) in collaboration with the State Governments and the State Disaster Management Authorities.

The Census 2011 has shown a significant declining trend in the Child Sex Ratio (CSR), with 918 girls per 1000 boys in the age group of 0-6 years. The unabated decline in CSR since 1961 (from 976 in 1961 to 927 in 2001 and 918 in 2011) is a matter of serious concern warranting more effective interventions. Declining CSR is also indicative of pre-birth discrimination manifested through gender biased sex selection and post-birth discrimination against girls (in terms of health care, nutrition and education opportunities).

In this scenario, the *Beti Bachao, Beti Padhao (BBBP)* scheme was launched in Panipat, Haryana on 22nd January, 2015 as one of the flagship programmes to address the declining Child Sex Ratio and related issues of disempowerment of women on a life-cycle continuum. The specific objectives of the scheme include preventing gender biased sex selection; ensuring survival and protection of the girl child and ensuring education and participation of the girl child.

BBBP is a tri-ministerial, convergent effort of the Ministries of Women and Child Development, Health & Family Welfare and Human Resource Development, with a focus on awareness and advocacy campaign to change mindsets, enforcement of Pre-Conception & Pre Natal Diagnostic Techniques (PC&PNDT) Act, enabling girl child's education. Currently 640 districts (as per census 2011) are implementing the BBBP Scheme across the country. Out of these districts, 405 districts are covered under the sustained nationwide Advocacy and Multi-Sectoral Intervention(s) and 235 districts are covered under the Media Advocacy and Outreach. It involves an extensive community outreach for a change of mind set, promoting 100 per cent institutional deliveries, village level record of births and encouraging celebration of girl child. A massive advocacy campaign has been carried out across the country including Radio Spots and jingles on 140 radio stations across the country, and through TV spots on 139 TV channels. About 4.5 crores people have been reached through a mass SMS campaign and 12.4 lakhs people have been engaged through mobile exhibition vans. Also under the BBBP, 8756 field publicity programmes have been organised and 90 lakhs people have been reached through Interactive Voice Responses (IVR) on the railway enquiry number 139 and through the social media especially the YouTube BBBP Channel since the launch of the Programme.

With concerted efforts at the national, state and the district levels, the preliminary reports for 161 intervened districts indicate that for the time period between April-March, 2015-16 & 2017-18, an increasing trend in Sex Ratio at Birth (SRB) is visible in 104 BBBP districts;

119 districts have reported progress in the first trimester registration against the reported Antenatal Care (ANC) registrations and status of institutional deliveries have improved in 146 districts against the total reported deliveries in comparison to the previous year.

Abuse of Children on Social Media Platform

Online abuse can be anything from cyber bullying, online sexual abuse, online sexual exploitation, cyber extremism, cyber radicalization, online commercial fraud and habit formation and online enticement to illegal behaviours. Children are the most vulnerable to such violations, as they are easy to be manipulated and constitute a large section of the Internet users in India. It is dangerous because the child has no knowledge of the identity of the perpetrator. Cyber-crime can lead to depression, adversely affecting the mental health, and sometimes, substance abuse or suicide. 28 million out of 400 million Internet users in India are school-going children. The Information Technology Amendment Act, 2008 under Section 67, Section 67A and Section 67B,

contains punishments for publishing or transmitting content that is obscene or sexually explicit. The provisions of the Information Technology Act have been strengthened by the Protection of Children from Sexual Offences (POCSO) Act, 2012 which deals with online offences against children, including child pornography and grooming. According to the NCRB Report, 12,317 cyber-crime cases were reported in 2016 as compared to 11,592 cases in the year 2015 under the Information Technology Act, 2000 and other provisions of IPC and special laws.

Conclusion

The needs of children are many and interlinked. One cannot be emphasized at the cost of another. A holistic thinking is required, keeping the child at the centre. Doing so requires a paradigm shift for everyone in the society. India is poised in a space where it can take a giant leap forward in improving the lives of children for the time to come. Transformational change of this nature can only take place through the creation of a national vision and concerted action.

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