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HUMAN DIGNITY AND HUMAN RIGHTS

The Best Interest of the Child (<i>Editorial</i>)	A. Joseph Xavier	iii
Ensuring Child Rights: A Prerequisite to Egalitarian Society	Archana Kaushik	319
Need to study perceptions of well-being and ill-being of trafficked and rescued children	Shaweta Anand	337
Child Labour: Tracing the Legislative History between Regulation and Prohibition	Sayoni Choudhuri	351
Understanding the locale of Young Children in changing Family Milieu – Measures to safeguard them	Shahin Sultana	360
Situational analysis of marginalized children and Child protection Plan	Jenis Mary P	374
Tribal Women Domestic Workers and Placement Agencies	Renuka Ramanujam	393
Expanding Entitlements for Inclusive Development	Joseph Xavier	409
Book Reviews		427

Editorial

THE BEST INTEREST OF THE CHILD

After 25 years of the Convention on the Rights of the Child (CRC) 1989, framed by the United Nations to protect and promote the rights of children, the most vulnerable segment of the society, it is time to ask: Is the world a better place for children today? What has changed in the signatory countries which promised that they would do everything in their power to protect and promote children's rights to survive and thrive, to learn and grow, to make their voices heard and to reach their full potential? India ratified the Convention in 1992. Do the children of India feel that their 'best interest' is safeguarded and promoted?

As UNICEF asserts, the Convention has changed the way children are viewed and treated. The acceptance of the Convention globally is unprecedented. As many as 194 countries have become State Parties to the Convention, more than in any other human rights treaty in history. A number of countries have enacted legislation to protect and promote the rights of children. Though there is much to celebrate, much more remains to be done.

India has made some significant strides towards ensuring the basic rights of children. There has been substantial progress in some key indicators: the rate of infant mortality is down and child survival is up; literacy rates have improved and school dropout rates have fallen. In terms of policy formulation, from a child welfare approach of the 70s, India moved on with a developmental paradigm by adopting the Integrated Child Development Service in 1975. Later the Eighth and Ninth Five-Year Plan documents emphasized advocacy, mobilization and community development approaches. Expanding the Constitutional provisions – equality before law and equal protection (Art. 14); State to make special legal provisions for children (Art. 15(3)); Free and compulsory education for children (Art. 21 A); Ban on forced labour (Art. 23); Prohibition of employment of Children in hazardous industry (Art. 24) and the provisions of the Directive Principles of State Policy – the State has enacted various pro-child laws. The Prohibition of Child Marriage Act 2006, the Juvenile Justice (Care and Protection of Children) Amendment Act 2006, the Right to Free and Compulsory Education, 2009 and the Protection of Children from Sexual Offences Act (POCSO) 2012 are

undeniably concrete manifestations of the commitment of the State to promote the rights of children.

However, there is still a huge gap between the commitments made and resource allocation which affects the programme implementation. This gap has widened in the globalized era, worsening healthcare, social security measures, nutrition standards and shelter. Shailey Hingorani of Save the Children wrote in a column, “Even though only specific instances catch the national attention, child abuse in its various forms has become increasingly rampant – as many as 5.19 lakh children are engaged in the workplace (NSSO 2009-10); another 7.5 million have neither featured in numbers on child labour nor do they attend school (NCPCR 2009). Furthermore, the national capital alone has 51,000 children on the streets in extremely vulnerable conditions. They don’t have food to eat, access to clean drinking water or any means of fleeing the grave abuse they face every day”.

Civil society organizations working for the development and rights of children have been demanding an allocation of 6 per cent of the GDP for education and 3 per cent for health by the year 2014. Major political parties made promises to implement them in their election manifestos. However, the total child budget in 2015 – 2016 has declined substantially both in absolute amount and as proportion of the total Union Budget. In absolute terms, child budget has decreased from Rs. 81,075.26 crore in 2014-15 (BE) to Rs. 57,918.51 crore in 2015-16 (BE), which is a sharp decline. The total child budget has declined from 4.52 per cent of the previous year to 3.26 per cent.

India has approximately 400 million children below the age of 18. Various reports present a shocking picture. One out of 16 children dies before they complete 1 year; and one out of 11 dies before they are 5 years old; 40 per cent of child malnutrition in the developing world is in India; for every 1,000 boys there are only 914 girls – even less in some places; of every 100 children who enroll, 70 drop out by the time they reach the secondary level; of every 100 children who drop out of school, 66 are girls. According to various studies, India is home to the highest number of child labourers in the world and it also has the disgraceful record of having the world’s largest number of sexually abused children. Moreover, children with disability are continued to be discriminated against in access to basic services and opportunities.

The phenomenon of caste has affected the children. Caste-based marginalization and exclusion has deep impact in the education of children. Sarva Shiksha Abhiyan (SSA) was introduced on the premise that universal education will be a powerful tool to help neutralize distortions of the past and give children a level playing field. However, recent researches show that discrimination exists not just at the visible level but also more subtly in the order of priority of access. Vimar Ramachandran and Taramani Naorem in an article, "What it means to be a Dalit or Tribal Child in Our Schools" highlight various existing discriminatory practices within school premises. "Water, toilets and mechanisms used for cleaning them in many schools is a site of caste-based and community-identity-based exclusion. To drink water from handpump Scheduled Caste children often had to wait for their turn standing at a distance. And in two cases where water was kept in steel tanks the Dalit children were not allowed to touch them. In some schools girls drank water after boys and the deprived caste communities got the chance at the end. The teachers often asked the upper caste children to get water for them from the homes of a forward caste family near the school". The question remains: Who will sanitize the minds of these teachers? What lessons will these children imbibe from these schools?

This issue of Social Action deals with 'Rights of Children: Attainment and Challenges'.

Archana Kaushik has studied in detail the interventions of People's Vigilance Committee on Human Rights, (PVCHR) in Belwa and surrounding villages of Varanasi district, Uttar Pradesh. Using United Nations CRC framework the organisation has worked on four key areas: Right to survival, development, protection and participation. Due to the untiring works of PVCHR, Belwa stands out as a model village in the area. The newly established school has 100 per cent enrolment of children, predominantly from Musahar community. Various strategies deployed by the organisation to mobilise the children into a movement seemed to have reduced caste discriminatory practices in the villages. The author concludes that when the movement to ensure child rights is led by children, the desired change is bound to come.

While analyzing the perceptions of the well-being and ill-being of the trafficked and rescued children from Delhi, Shaweta raises some fundamental questions. What is the result of 'raid and rescue' operation? Despite various rescue and rehabilitation efforts by NGOs

and bureaucrats systemic changes have not happened. Often the same children are rescued again and again from different employers. In most cases the rescued children want to get back to work and start supporting their families again, as soon as possible. When the communities are not offended by their children working for money and contributing to the family income child labour cannot be abolished merely by enacting laws. By tracing the legislative history of regulation and prohibition, Sayoni clearly brings out that child labour in India is a highly complex issue and cannot be solved only by legal measures. Only a strong political will can end this dehumanizing scenario.

Shahin argues that family milieu plays a key role in the protection of children. As the family structure is changing, needs of children are overlooked by families, communities and nations. There are many studies which establish the fact that the early childhood environment shapes the personality of individuals and determines the future identity. Hence, the author recommends that aiming at improving the social environment of the family should be one of the major priorities in the national developmental agenda.

A critical analysis of the quality of interventions of various government departments engaged in child rescue and rehabilitation centres in Dakshina Kannada district was carried out by Jenis Mary. Her study reveals that despite various institutions and programmes in place, lack of coordination across government departments remains a major challenge. Based on her study she is presenting a District Child Protection Plan (DCPP).

As children are the future of our nation, proactive efforts must be taken by all stakeholders to protect and promote the best interest of every child, adhering to the Convention on the Rights of the Child. This issue of Social Action will pave way for serious reflection and action.

Joseph Xavier